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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Haiti

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report, accompanied by recommendations, on the situation of human rights in Haiti, prepared by Mr. Adama Dieng, independent expert, in accordance with Economic and Social Council decision 1997/262 of 22 July 1997.

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ANNEX

Report on the situation of human rights in Haiti prepared by Mr. Adama Dieng, independent expert, in accordance with Economic and Social Council decision 1997/262

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I. INTRODUCTION

1. In 1995, the Commission on Human Rights, after considering the report of the Special Rapporteur for Haiti, Mr. Marco Tulio Bruni Celli (E/CN.4/1995/59), by its resolution 1995/70 requested the Secretary-General to appoint an independent expert to have responsibility for providing assistance to the Haitian Government in the area of human rights, to examine the development of the situation in Haiti in that area, and to monitor the fulfilment by Haiti of its obligations in that field.

2. The Economic and Social Council having endorsed the request of the Commission through its decision 1995/281, the Secretary-General, on 31 July 1995, appointed Mr. Adama Dieng as the independent expert. On 1 November 1995, the independent expert communicated his report (A/50/714) to the Secretary-General; the report was then submitted to the General Assembly at its fiftieth session. Another report (E/CN.4/1996/94), which reproduced a large part of the report submitted to the Assembly, but which was supplemented by a section on economic, social and cultural rights, was submitted to the Commission on Human Rights at its fifty-second session.

3. Having in mind the report of the independent expert (E/CN.4/1997/89), the Commission, at its fifty-third session, adopted resolution 1997/52, subsequently endorsed by decision 1997/262 of the Economic and Social Council, in which the Commission invited the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti.

4. At its fifty-first session, the General Assembly, by its resolution 51/110, after welcoming the improvements in the situation of human rights in Haiti, took note of the report of the independent expert (E/CN.4/1996/94). The Assembly also welcomed the establishment by the Centre for Human Rights of a programme of technical cooperation aimed at strengthening institutional capacity in Haiti in the field of human rights, and requested the Secretary-General to submit a report on the implementation of that programme to the General Assembly at its fifty-second session (see A/52/515).

5. This report contains the information requested and the recommendations made by the independent expert following his mission to Haiti, which took place from 28 August to 5 September 1997. He had meetings with many people, including Mr. René Préval, President of the Republic; Mr. Jean-Bertrand Aristide, former President of the Republic; Mr. Fritz Longchamp, Minister for Foreign Affairs; Mr. Pierre Max Antoine, Minister of Justice; Mr. Edgar Leblanc, President of the Senate and of the National Assembly; Mr. Gérard Pierre Charles, leader of the Organisation Politique Lavalas (OPL); and Mrs. Claudette Werleigh, former Prime Minister. The independent expert wishes to express his gratitude to the Haitian authorities for their constructive cooperation.

6. He was also able to have very fruitful talks with Mr. Rodolfo Matarollo, an eminent jurist and Deputy Executive Director of the International Civilian Mission in Haiti (MICIVIH); Mr. Franzoni, Deputy Resident Representative of the United Nations Development Programme (UNDP); representatives of various

international agencies and of several donor countries; the coordinator and members of the National Preparatory Commission for the Reform of Justice; representatives of non-governmental organizations, including in particular the Plate-forme des organisations haïtiennes des droits de l'homme, the Fondation Aristide pour la démocratie, and the National Coalition for Human Rights in Haiti. He visited the Palais de Justice and the Aquin prison and also went to Les Cayes and the rural areas in the south where he met with some of the peasants.

II. THE SOCIAL AND POLITICAL CONTEXT

7. The deterioration in economic and social conditions, the deterioration in the political situation, the strike at TELECO and the State University Hospital of Haiti, the allegations of ill-treatment or acts of torture committed by the police, the new wave of acts of violence, the overcrowding in the National Penitentiary, the rise in the cost of certain essential foodstuffs and the weaknesses of the judicial system are a source of concern for the future of human rights in Haiti.

8. This picture is made all the gloomier by the divisions within the Lavalas movement, not to mention the open conflict between OPL and Fanmi Lavalas. This conflict has been exacerbated by the crisis which followed the senatorial and local elections of 6 April 1997, which are reported to have been marred by many irregularities. In the view of certain observers, there were massive instances of fraud, but the major question remains the partiality of the Provisional Electoral Council which is denounced by political activists, in particular OPL.

9. Since the return of Aristide, enormous progress has been achieved in establishing the institutional bases of democracy, even though the political culture has not evolved to any great extent. It will take at least a generation to change the perceptions, behaviour, fears and suspicions. Efforts are, of course, still being made by President Préval to face up to the challenges of the restoration of Haitian justice, public security and the fight against poverty.

10. However, success will be guaranteed only if, at the same time, steps are taken to implant a democratic culture, a culture of tolerance. That is a long-term task, to be achieved through education. Only education will be able to put an end to the exploitation of the deprived masses who are subjected to arbitrary authority.

11. One has only to visit the shanty towns of Port-au-Prince or the remote areas to be aware of the vast gap between all the values which the international community is seeking to spread throughout the world and the daily life of the mass of the disinherited and the predatory practices of the majority of the minority in power. It is therefore important to curb the tendency to reduce democracy to its purely electoral dimension, with the attendant consequence of what some would describe as a government - or institutional - crisis.

12. How many Haitians participated in the April 1997 elections? Barely 10 per cent of the voters went to the polls, the rest having preferred to send a signal which was interpreted as being a refusal to participate in a duel within

a political class which aspired to power. Haiti is suffering from a lack of leadership in many sectors and the authority of the State is not able to assert itself. There is an urgent need to resolve the problems of governance, even though it is encouraging to note that most of the ministers of the outgoing Government are working without respite.

13. For the first time, the continuity of the State can be seen. At the time of the resignation of the Prime Minister, Rosny Smarth, on 8 June 1997, fears were expressed that the country was going to fall into chaos. That did not occur, but the sooner a Prime Minister is appointed the better.

III. THE RIGHT TO HEALTH

14. Articles 19 and 23 of the Haitian Constitution provide, respectively, that:

> "The State has a pressing obligation to guarantee the right to life, to health and to respect for the human person of all citizens without distinction, in accordance with the Universal Declaration of Human Rights"; ... "The State is bound by an obligation to ensure that all citizens in all territorial communities have the appropriate facilities to guarantee the protection, maintenance and restoration of their health by establishing hospitals, health centres and clinics."

The picture offered by the reality in Haiti, however, calls for the adoption of the strongest measures to make those constitutional rights effective.

15. The Haitian population is, in fact, far from having access to health services in optimal conditions. The country has only 5,696 beds, or one bed for every 1,144 inhabitants. The medical personnel in the public sector consists of 773 doctors, 785 nurses and 1,844 nurse's aides, or medical coverage of one doctor for every 8,428 inhabitants, one licensed nurse for every 8,299 inhabitants, and one nurse's aide for every 3,533 inhabitants.

16. As reported to the Commission on Human Rights (E/CN.4/1997/89), health coverage is concentrated in the Département de l'Ouest, particularly in the metropolitan area, which has 70 per cent of the doctors, 50 per cent of the dentists and 60 per cent of the nurses, whereas 70 per cent of the population lives in the rural areas. This concentration is reflected in a considerable cost (in terms of travel, time and queues), in particular to the rural population, with the result that there is little access for the population as a whole to the public health services (medical personnel, facilities and drugs).

17. In order to expand the access of the population to drugs, the cost of which is fairly high, the Ministry of Public Health and non-governmental organizations have, with the support of donors, established a system for the sale of generic essential drugs at cost price in their various facilities. It appears that there is a real determination to organize the health system and to provide the population with services.

18. Thus, several draft legislative acts are being finalized. These include the Organic Act of the Ministry of Public Health, which should redefine the

structure of the Ministry and its functions at all levels; the Basic Act on hospitals, which will organize the public health system and institute the recovery of costs; and, lastly, the Basic Act on drugs, which is concerned with making essential drugs available to the population and regulating the import and manufacture of pharmaceutical products and their distribution to the public through private channels. This latter Basic Act will make it possible to avoid in the future tragedies such as that of the deaths of almost 80 Haitian children caused by a toxic substance, diethylene glycol, in syrups manufactured by PHARVAL, a Haitian laboratory.

19. Whatever the importance of the institutional and regulatory framework, however, the expected results might be meagre unless adequate financial resources are allocated to the public health sector. For the financial year 1996-1997, the estimated overall expenditure amounts to 3 billion gourdes, or approximately 403 gourdes ($27) per inhabitant. It should be noted that, for the financial year 1995, it amounted to $26 per inhabitant, and for the financial year 1996 to $24 per inhabitant, which represented respectively 8 per cent and 6 per cent of GDP. Taking into account inflation, there is a reduction of 42 per cent in real terms, even though there has been a nominal progression of almost 270 per cent over this period.

20. The State has unquestionably made a particular effort to improve the public health sector, but there is still an enormous amount to be done. Above all, health coverage should be extended to outlying areas, but the State University Hospital of Haiti, whose personnel, in particular the interns and residents, are demanding better working conditions, should not be neglected. By means of an efficient policy of decentralization, it should be possible to relieve that hospital so that it can play its role as a university hospital resource. Health should remain a priority sector for the Haitian authorities.

21. As Mr. Asbjørn Eide, a member of the Subcommission on Prevention of Discrimination and Protection of Minorities rightly noted, the obligation of States to protect and promote economic, social and cultural rights involves three aspects: (1) the obligation to respect: the State should not violate the integrity of the individual or infringe on his or her freedom to use material resources to satisfy basic needs; (2) the obligation to protect: to prevent others from violating the right; (3) the obligation to fulfil: the necessity for the State to take measures to ensure the right.

22. With regard, specifically, to the right to health, this right is recognized in article 12, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, which states: "The States Parties to the present Convention recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". The steps to be taken to achieve the full realization of this right to health are enumerated in article 12, paragraph 2. They include:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

23. Obviously, the general nature of these steps makes it difficult to establish specific obligations. It might therefore be appropriate, as Virginia A. Leary and other experts have suggested, to draw inspiration from the work of the World Health Organization to establish more specific means of reducing infant mortality, improving environmental hygiene, ensuring the prevention of epidemic and other diseases, and creating conditions which would assure everyone access to medical attention. Special attention should also be paid to the provision of access to drinking water and drainage disposal in order to achieve the realization of the right to health.

24. As Virginia A. Leary has pointed out, "... no person or State or organization can guarantee good health - but the concept of health as a human right emphasizes the social and ethical aspects of health care and health status and stresses that, like other rights, individuals may legitimately protest the denial of the right". It is true that the realization of the rights proclaimed in the International Covenant on Economic, Social and Cultural Rights will be achieved progressively and to the maximum of the available resources (article 2 of the Covenant).

25. The Committee on Economic, Social and Cultural Rights took care to interpret "progressive realization" as an obligation of States to move expeditiously and effectively towards the goal of ensuring the full realization of fundamental rights. It is useful to refer to the Committee's general comment No. 3 (1990) on the question:

> "The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time ... It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the raison d'être, of the Covenant, which is to establish clear obligations for States parties in respect of the full realization of the rights in question."

However, the concept of progressiveness should by no means be used to justify non-compliance with an obligation under the Covenant. While Haiti has not yet ratified the International Covenant on Economic, Social and Cultural Rights, there is no doubt that the effective enjoyment of these rights by the population, particularly the poorest segment of the population, is one of President Préval's priorities.

26. The enormous difficulties facing the country are the result of military and civilian dictatorships that for decades abused political and economic power. During those long years of dictatorship, when thousands of Haitians laid down

their lives for the freedom of future generations, enjoyment of the right to health was far from being a reality. Owing to the denial of civil rights and the failure to involve the population in public affairs, political activity was sharply curtailed and was dominated by an economic elite that had concentrated the country's wealth in its hands.

27. As stated in the Limburg Principles, the violation of economic, social and cultural rights undermines true national security and may jeopardize international peace and security. A State responsible for such violation cannot invoke national security as a justification for measures aimed at suppressing opposition to such violation, or at perpetrating repressive practices against its population. The independent expert strongly urges the Ministry of Public Health to implement the recommendations formulated within the framework of the strategy and plan of action in the health sector that were proposed by a team of experts (Françoise André, a consultant for the European Union, and Juan Buttari, a specialist for the United States Agency for International Development). The main objective of these recommendations is to strengthen the effectiveness and equitable use of the resources available in the public sector in order to provide better services to the entire population:

(a) The Ministry of Public Health must receive support in managing public funds in order to ensure a more efficient and effective use of such funds (strengthening of management, supervision, follow-up, organization of upkeep and maintenance, short-term financial programming and so on);

(b) The Ministry of Public Health should provide better information on the resources available to health-care facilities and should ensure that such resources are managed in such a way as to improve the administration of hospitals in order to provide better service, and this should be done even before the institution of a cost-recovery policy. In this regard, the specific function of each type of health-care facility (basic health-care services, effective role of the State University Hospital of Haiti) must be redefined, and measures must be taken to reconcile the purpose of the facilities and their effective role (development of secondary hospitals, refocusing of the activities of the State University Hospital of Haiti); the granting of autonomy to the State University Hospital of Haiti, and also to regional hospitals, should promote better management of the sector's resources;

(c) Administration and management of staff should be improved (effective information about staff, monitoring of movements, administrative measures to curb absenteeism and also to deal with the refusal to take up assigned posts);

(d) Staff must be distributed as well as possible, bearing in mind current and future strength and priorities ("the right person in the right place") in order to ensure the public sector's maximum effectiveness (through redeployment or at the time of recruitment); medium- and long-term plans should be formulated to facilitate this process: staff policy, career planning, incentives, training and so on; however, the wage bill should remain "sustainable" within the overall budget;

(e) Existing resources should be effectively redistributed to outlying districts in accordance with policies aimed at ensuring greater equity;

(f) Real progress in cost-effective programming should be made in order to facilitate the implementation of specific policies and to prioritize oojectives bearing in mind existing conditions; such programming should be adequately documented and explicit, and all existing or planned measures and any related needs (recurrent costs) as well as the income of public facilities must be taken into account;

(g) More efficient use should be made of available resources in order to ensure provision of quality health care to the entire population, in particular the most remote and destitute groups.

28. These recommendations also seek to strengthen coordination among participants in order to provide the population with effective health-care services throughout the entire country:

(a) A real partnership, instead of mere coordination, with the non-profit sector should be established in order to draw on existing positive experience (this partnership already exists at the health centre level); conversely, the Ministry of Public Health should issue permits or accreditation to non-governmental organizations active in the sector;

(b) A kind of operational partnership is expanding through the conclusion of contracts or conventions: certain contracts or conventions serve to strengthen the public sector's role in providing quality health care to the population through non-governmental organizations active in the public sector or non-governmental organizations that coordinate specific activities (tuberculosis and sexually transmitted diseases/AIDS programme); this type of partnership should be developed;

(c) Similarly, the development of a network of specialized services (laboratories, special examinations and so on) should be encouraged, particularly in the metropolitan area;

(d) Coordination between donors (and other contributors) and the Ministry should be strengthened not only at the level of activities but also at the level of available resources, predictable disbursements and probable recurrent costs (staff, operations and so on) with a view to providing the information necessary to improve programming.

29. The Ministry of Public Health should play a regulatory role in various areas in direct contact with the sector in order to increase the availability of quality services to the population. In the area of medicines, it is first of all necessary to enact regulations and control imports or the manufacture of products and the distribution of products in dispensaries (permission to open and inspect).

30. On the other hand, the Ministry should take part in training health personnel by granting accreditations based on the degree programme for private schools (doctors, nurses, aides, technicians and so on), and even institute State examinations in order to ensure that those who have completed their training have attained the necessary level of competence. Moreover, it is advisable to adopt regulations on the opening of private practices and to grant

the relevant accreditation. The Ministry should also be given the necessary means to ensure observance of the legislation or regulations to be adopted.

31. In any case, there is an urgent need for a concerted effort throughout the country to ensure that all elements of civil society are involved in the progressive realization of economic and social rights, which should place special emphasis on the right to health and the right to education.

IV. THE RIGHT TO EDUCATION

32. Although the Haitian Constitution devotes 14 articles to education, the educational system has been widely discredited, not only because of its poor quality but also because it is beyond the reach of many children. The high illiteracy rate (about 80 per cent) is one of the most urgent problems that must be solved, particularly in view of the relationship between education and development. Aware of this, the Ministry of National Education organized a national dialogue, which received donor support.

33. The discussions resulting from this meeting served as the basis for the Ministry's formulation of a national education and training plan and helped to establish certain priorities, which include improvement of the quality of basic education, increased access to basic education, improvement of the system's external effectiveness and the strengthening of the Ministry's planning and management capacity. Specifically, the Ministry must enhance the status of teachers, and improve continuing education and initial training; build schools in poverty-stricken areas; subsidize community schools; increase the capacity of technical and vocational schools; and enhance pedagogical management.

34. It is important to point out that, as early as 1988, an act was adopted with a view to improving the quality of basic education. Known as the 1988 Bernard Act, it introduced a reform of the structure, programmes and evaluation of basic education. Moreover, the Act instituted the compulsory use of Creole as a language of instruction and a means of acquiring practical and useful knowledge. Unfortunately, the implementation of this reform was impaired by the frequent changes of government and a lack of support from foreign investors.

35. It is also unfortunate that the reform was not introduced into private education because of failure to reach agreement on the use of Creole as a language of instruction. This is all the more regrettable since most of those attending school are enrolled in the non-public sector: 66 per cent in primary schools, 81 per cent in secondary schools and 50 per cent in tertiary schools, and monitoring of this sector is generally limited. The State University of Haiti has for the time being been placed under the Ministry of National Education, pending the adoption of an act proclaiming its autonomy. The University accounts for 85 per cent of enrolment in public higher education institutions and 50 per cent of enrolment in higher educational institutions as a whole.

36. A problem that should be finally resolved is the payment of back wages owed to reinstated teachers who had been wrongly dismissed, salary increases in response to social pressure, and so on. Today, Haiti devotes between

8.5 per cent and 12 per cent of its gross domestic product to education. Nevertheless, it is necessary to point out that non-governmental organizations and parents make substantial contributions to education, although their financial support is used to cover operational costs (tuition, purchase of books, examination fees, uniforms and so on) rather than investment costs.

37. According to a survey conducted in 1995 by Simon Fass of the Research Triangle Institute, parents contributed an average of 507 gourdes per child for direct school fees in 1991 (843 gourdes in urban areas and 377 in rural areas). On average, Haitian households spend from 11 to 13 per cent of their income on education (as opposed to 3 to 4 per cent in other low-income countries). Indicators of the educational system that deserve mention include access, enrolment by sex and the flow model. With regard to access to primary education, the overall enrolment rate rose from 69 per cent in 1985 to 75 per cent in 1990 and 90 per cent in 1995. At the secondary level, the rate rose from 21 to 28 per cent between 1990 and 1995. This demonstrates clearly that there is a great demand for primary education. With regard to the proportion of enrolled girls, there does not seem to be a serious discrimination problem with respect to primary-level girls, since they represent 48.2 per cent of total enrolment and 49.6 per cent of children in this age bracket. Finally, of every 1,000 pupils who begin primary education, 288 (of whom only 131 are held back a year) go on to secondary education. Of these 288 students, 164 complete the first cycle (third basic cycle or first secondary cycle) and 38 will complete the second cycle and receive a baccalauréat in philosophy and qualify for admission to higher educational institutions.

V. PARTICIPATION IN DEVELOPMENT

38. People are dissatisfied, and they will need to be satisfied fairly rapidly if they are not to be manipulated by demagogues. In order to be satisfied, they must have access to safe drinking water, wind energy and improved living conditions, which should result from an extensive grass-roots development programme on which it is possible to achieve consensus. Small projects that have been carefully studied at the local level would thus be launched with the participation of the people concerned, who would take charge of their own development. What is involved is a participatory approach which brings together local authorities, popularly elected representatives and civil society. This approach does not, of course, preclude large projects; a combination of the two is needed.

39. As a first step, however, it is necessary to seek increased opportunities for dialogue and put aside the tradition of social polarization. A culture of democratic tolerance does not yet exist; however, practical experience with democracy will pave the way for depolarization. It is time to put aside an all-or-nothing approach. President Préval reaffirmed the meaning of the commitment to the Haitian people which he declared in accepting the presidency: "Modernizing the country in the interests of the Haitian people ... rapidly improving the living conditions of the Haitian people". Fulfilling such a commitment nowadays is contingent on the reforms being carried out and on the realization by all and sundry, particularly those who proclaim their allegiance

to an anti-neo-liberal current, that Haiti cannot break out of its stalemate in an atmosphere of permanent confrontation.

40. President Préval is therefore determined to modernize State enterprises by opening them up to private investors, both local and foreign. He reaffirmed this by stating: "There are a number of enterprises, such as Électricité d'Haïti, TELECO, La Minoterie, Ciment d'Haiti (these last two are closed), and the Autorité Portuaire Nationale (APN), the most expensive port in the entire region ... What are we proposing with respect to 'privatization'? First of all, we are proposing that the Haitian State should remain the owner of these enterprises. Next, we envisage three types of 'modernization'; in all three cases, the State would not cede any part of the public domain. These are: (1) an enterprise management contract; (2) a concession; (3) a partnership ... or mixed-capital enterprise (private sector/State)."

41. Nearly 30 years of Duvalierist absolute power have shaped attitudes. There was a tendency to criticize everything that the Duvaliers did as being contrary to the interests of the Haitian nation. The context is different now, since those in power are men and women who do not have the financial resources to satisfy the people's aspirations, but who should endeavour to agree on what is most important, in other words, what unites them rather than divides them. In the light of the financial poverty of the Haitian State, which is unable to collect tax revenues, or the situation of the State enterprises, whose privatization is rejected and whose deficits are mounting at an alarming rate, what is to be done? Pursue the path of opposition and even confrontation, with the risk of exacerbating popular frustrations?

42. In any event, it should be remembered that it is the most disadvantaged who bear the consequences of an all-or-nothing attitude. Let us take, for example, Électricité d'Haïti. This enterprise collects barely 25 per cent of electricity charges; the remainder, $100 million, is borne by the taxpayers, for a daily ration which varies from six to eight hours. Hence a child in Cité-Soleil (a Port-au-Prince slum) who learns his lessons or does his homework under the public street lights is often forced to close his books and notebooks because of frequent power cuts. The consequence is that, among the disadvantaged, a more disadvantaged class is created which is at the extreme limit of deprivation. The feeling emerges that those who are opposed to privatization are acting in good faith; they are patriots who have the country's interests at heart, but who are ideologically incapable of forging a different perspective.

43. As Gérard Pierre-Charles, leader of OPL observed, quite correctly,

> "The historical phase which thus culminates in this renewal of the political and social system arises from a community's desire for change in the form of economic development; it also reflects the quest for well-being on the part of men, women and children in this community, as well as the search for a societal organization that can ensure participation, equality and justice for the people. The agenda of this renewal effort implies quite a number of transformations in the practices and ideas of this society. Democracy has aroused so much hope in people's lives that it will have to lead to the fulfilment of modest but tangible goals, in order to

bring the utopianism of this period into line with the powerful themes which it is likely to generate for the pursuit of human development goals."

VI. THE ELECTIONS

44. In an information note dated 5 May 1997, OPL stated that the elections held on 6 April and those held on 27 April at Pestel had been characterized by a systematic effort on the part of the electoral body to force the people to accept the official results. OPL believes that the entire operation was carried out with a view to achieving, at all costs, Lafanmi's goal of having nine Senate seats at its disposal. It therefore calls not only for cancellation of the elections, but also for the dismissal of the Provisional Electoral Council (CEP), which decided not to count blank ballots as part of the majority plus one percentage needed to determine the first-round winners.

45. While the debate was raging over what some have described as an electoral crisis, CEP had the final results of the elections for the communal section assemblies (ASEC) and the municipal delegates published in the official journal Le Moniteur. It should be noted that in the western part of the country, the members of three ASEC cartels in the commune of Léogane had already taken the oath of office at the Gressier magistrates' court. The same was true in the southern region, where over nine ASEC cartels had already taken the oath at different magistrates' courts. In the south-eastern region, 49 other ASEC cartels had officially assumed their duties after having been sworn in.

46. Another complaint against the electoral body was made in a press release issued by the resigning Prime Minister, Rosny Smarth: "The Provisional Electoral Council aims to mislead when it pretends to confuse the proclamation of the results, which is within its prerogatives, with publication in the journal Le Moniteur, which lies exclusively within the powers of the executive branch." The Secretary-General of CEP stated in reply: "What is at issue is not a decree-law or a law, but rather the proclamation of the results of the election of 6 April, as stated in Le Moniteur."

47. The major problem, however, remains the controversial question of the blank votes, which led the OPL legislators to introduce a draft law containing an interpretation of certain provisions of the Electoral Act of 1995, specifically articles 108 and 116. Article 108 states: "Only those votes shall be valid which are cast as blanks on ballot papers issued by CEP and those marked by a cross, an 'X' or any other sign indicating unambiguously the voter's intention to vote or his political will in the circle designated for that purpose." Article 116 states: "The Provisional Electoral Council, after receiving the records of the vote tally from the departmental electoral offices and settling any disputes, shall proclaim the final results of the elections based on percentages derived solely from valid votes."

48. The draft text submitted by the legislators, which was adopted by the Chamber of Deputies pending a vote in the Senate, gives the following interpretation:

"In determining the percentage, only valid votes shall be taken into account, as provided in article 116 of the Electoral Act" (article 3 of the draft);

"The concept of a valid vote is defined unambiguously in article 108 of the Electoral Act. Article 108 defines a valid vote as one cast as a blank on a ballot paper issued by CEP and one marked by a cross, an 'X' or any other sign indicating unambiguously the voter's intention to vote or his political will in the circle designated for that purpose" (article 4 of the draft).

49. The debate then shifted to the legal terrain. First of all, therefore, information is needed on CEP, which was established by article 1 of the Electoral Act of February 1995: "The Provisional Electoral Council shall be an independent public institution responsible for organizing and supervising elections. It shall enjoy administrative autonomy; it shall also be responsible for settling any disputes arising in connection with the elections or the application or violation of the electoral laws, subject to any legal proceedings instituted against the person or persons responsible before the courts having jurisdiction in the matter."

50. The Council is accused, in particular, of having proclaimed the results of the elections without first resolving the challenges raised by candidates of various political stripes, and of having excluded blank votes from the final calculation of percentages. Did CEP violate the electoral laws through its interpretation of the blank-votes issue? What is the penalty for this violation? Is CEP the sole administrator of the electoral process, from organization to the proclamation of the final results? Can CEP be dissolved? On what grounds and by what authority? Was there a systematic attempt to document the massive irregularities and fraud which allegedly characterized these elections? If so, what procedure should be initiated to redress these abuses? Did the candidates and parties that were victims of the violations ascribed to CEP have the opportunity to refer their complaints to the Court of Cassation? Could the Chamber of Deputies be seized of the matter on the basis of a complaint, bring charges and request the Senate to set itself up as a High Court of Justice in order to render a decision? What risk does the electoral issue pose to the institutionalization of democracy and the rule of law in Haiti? What threats loom over respect for civil and political rights and the effective enjoyment of economic, social and cultural rights?

VII. THE GOVERNMENTAL "CRISIS"

51. Haiti is seeking a prime minister after the refusal by Parliament to endorse President Préval's choice of one Eric Pierre, a Haitian technocrat held in high esteem by the international financial institutions. It may be that the consultations held with a view to achieving consensus did not take into account the political line-up in the two legislative chambers; it may be that certain political parties are unwilling to make concessions for fear of jeopardizing the values which they uphold; or it may be that Haiti is the victim of the framers of its Constitution, who wanted to define everything precisely in order to address every situation, so that the general and the particular are mingled, as

are the permanent and the incidental. The fact remains that the vote in Parliament rejecting President Préval's proposal reflects a feeling of discomfort. As stated in article 137 of the Constitution: "The President of the Republic shall choose a prime minister from among the members of the party having a majority in Parliament. In the absence of a majority, the President of the Republic shall choose his prime minister in consultation with the President of the Senate and the President of the Chamber of Deputies. In either case, the choice shall be ratified by Parliament."

52. Nevertheless, this constitutional provision gave rise to a debate over the definition of a majority. Did it refer to the party having an absolute majority? Otherwise, if a party had a relative majority, would it not be required to form a coalition with one or more other parties in order to be assured of having an absolute majority? Is this a real or a false debate? In this young Haitian democracy, the most important thing should be to take into account the political line-up in the two chambers, so that the President's choice will win the approval of Parliament.

53. In order to facilitate the appointment of the future prime minister, what is needed is a consultation which goes beyond this debate, making it possible to achieve consensus on the high cost of living, the political programme, public security, political pluralism. It is necessary to seek the opinion of all leaders and avoid exclusion, which causes problems. It should never be forgotten that the present generation in Haiti has always been in the opposition, and that the country is still suffering from a structural weakness and a lack of human and financial resources. As a result, these men and women have stepped forward at a time when democracy, in order to flourish, requires a solid legal framework with institutions that function and are respected. There is a need to give priority to dialogue and to encourage openness without demagogy.

54. It is important, for instance, for Haitians to find a common approach to privatization cases, for the international community to strengthen its support and for the international financial institutions to show greater understanding. In a similar vein, attention should be drawn to the fact that the issues surrounding the elections and the appointment of the prime minister can be resolved only through an institutional and systemic approach. In the short term, attention must be paid to the demands of the vast majority of the population for food, housing, health care and education, and the demands of the business community for a stable environment, banking reforms, access to credit and protection of Haitian producers (even taking globalization into account).

55. To achieve this, it is essential for Haiti to reorganize the public administration and State enterprises. The latter are in difficulty because the State does not have the resources to make them profitable. Some of the conclusions outlined at the fifty-third session of the Commission on Human Rights are still valid. Now as in the past, the task confronting the Haitian authorities with regard to the extreme poverty of the masses is immense, since, while the State is the main employer, all new recruitment is frozen and there are not enough resources for large projects. Moreover, it should not be forgotten that while large projects generate jobs and economic growth, they

require a minimum of good governance, which does not yet exist - hence the stalemate.

VIII. INTERNATIONAL COOPERATION

56. It is essential for the international community to strengthen its programmes of cooperation to foster democracy and support the promotion and protection of human rights. This involves programmes and activities focusing on the modernization of the State apparatus; programmes and activities designed to strengthen civil society; and programmes and activities designed to promote economic reforms and growth so as to ensure the durability of the reform process and democratization. It is regrettable to note that international assistance is very disorganized, just like Haiti itself. There are a great many initiatives but they are paralysed, in particular, by the shortage of managerial staff in the Haitian administration.

57. It should be stressed that when too much is offered to a Ministry which lacks adequate human resources for proper programme implementation, the result is to disrupt the work of the few managers available in that Ministry. Some of these managers spend over 70 per cent of their time at meetings with donors and others. These donors would therefore do well to coordinate their support more fully. To take the example of reform of the judiciary, there is a lack of coordination of the various segments of the United Nations in this sphere. It is hardly surprising, then, that public opinion reproaches the international community for spending astronomical sums with a barely perceptible impact among the underprivileged masses.

58. Hence the comment by an expert from the United Nations Centre for Human Rights that one segment of public opinion is inclined to see these groups (the United Nations Support Mission in Haiti (UNSMIH) and MICIVIH) as "occupying forces", and another segment sees them as forces which have no interest in the maintenance of public order. And yet, according to UNDP, support from the international community has increased from 21 dollars per inhabitant at the beginning of the decade to 75 dollars in 1995 and 57 dollars in 1996, in other words five times as much as the aid received for the countries of the south (an average of 11 dollars per inhabitant). That is why it is desirable to develop a communication policy which would help to enlighten the Haitian people about the foreign presence, and also about modernization of the State.

59. This concept of modernization of the State concerns the improvement of the State apparatus so that its operation becomes clearer and more accessible, decisions and resource utilization are more transparent, and the powers of the State over citizens are appropriately defined and clearly circumscribed. For such conditions to prevail, precise administrative and financial rules will clearly be needed, but also an overhaul of the civil service. Through this overhaul, it will certainly be possible to provide the ministerial departments with competent managerial staff who are concerned about their country.

60. More support will need to be given to the organizations of civil society, since one of the essential characteristics of democracy is the deconcentration of power, both political and economic, within society. Already, non-governmental organizations for the promotion and protection of human rights and grass-roots organizations are playing a fairly significant role, which could be enhanced if they were better provided with logistic and financial resources. A strong Haitian civil society - that is to say, one that is clearly differentiated from State institutions - is now essential to provide the people with a power which can counterbalance the power of the State, thereby guaranteeing the essential conditions of democracy.

61. In this regard, the Centre for Human Rights has taken the constructive initiative of establishing a segment for human rights education, involving non-governmental organizations and therefore able to make a valuable contribution to progress towards democratic forms of public administration, as well as the emergence of democratic institutions at the level of grass-roots communities. Under this initiative, the Centre will organize a training seminar before the end of 1997, in cooperation with the Ministry of Justice, for some 50 regional delegates designated by parliamentarians and some 50 representatives of non-governmental organizations. The objectives of the cooperation of the Centre for Human Rights are to:

(a) Strengthen the capacities of political and para-political structures in the area of human rights and publicize these rights through grass-roots communities;

(b) Incorporate international human rights standards in the Penal Code and the Code of Criminal Investigation;

(c) Consolidate the institutional capacities of civil society to protect human rights in a democratic society.

IX. THE PRISONS

62. With significant support from UNDP, improvements have been made in penitentiary institutions. Despite these improvements, the situation is still fragile and there is always a risk of slipping back into the shortcomings of the past, in particular arbitrary actions in such institutions. In order to safeguard what has been achieved and pursue the process of prison reform in a harmonious manner, the Haitian State must continue to show a strong and unflinching will in the management of a prison administration which respects standards. The Haitian State must also succeed in integrating the National Penitentiary Administration (APENA) into the police force, while retaining its special characteristics.

63. In order to achieve this, the operation of APENA will need to be organized in such a way that it is not weakened within the police force and the statute of prison personnel must be clearly defined. It is regrettable that at the level of the central administration, the management methods for prison administration are not yet properly assimilated. Follow-up leaves much to be desired. There has been a great deal of investment in the national penitentiary, but

unfortunately there is a high level of negligence, a situation which probably derives from the lack of experience of the Director, who has not been able to impose his authority. It would be no exaggeration to say that, to some extent, the prison is run by the prisoners themselves.

64. The system of majors has been confirmed by MICIVIH, which recognizes that this system has repercussions on the treatment of detainees and respect for their rights. MICIVIH describes the major as a prisoner who is considered as the chief of the cell and enjoys a position of confidence with the prison administration. Citing the example of the national penitentiary, MICIVIH notes that the major actually holds the keys to the cell during the day. It is he who opens the door to enable detainees to go to the toilets or have medical consultations at the infirmary. He also distributes food to the prisoners in his cell.

65. This delegated authority, which is often obtained through violence within the cell, is the source of many abuses and much arbitrary treatment violating the fundamental rights of the detainees (health, hygiene and food). In conclusion, MICIVIH recognizes that this system is all the more pernicious in that APENA officers leave it to the majors to maintain order; the staff of detention centres justify this situation by the lack of personnel, but in reality the "powers" entrusted to the majors protect the prison officers from delicate situations. The number of detainees has risen to 1,370, but at the same time the number of prison officers has declined.

66. While living conditions in the prisons have improved, they remain well below the level required by the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council in resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. In its report on the prisons, issued in July 1997, MICIVIH recognizes that the Haitian prisons are faced with the twin challenge of respecting human rights and the principles of the rule of law on the one hand, and adapting to trends in delinquency and crime on the other.

67. There is also a problem of escapes from the prisons, some of which were allegedly made possible by the complicity of prison officers. However, APENA has taken disciplinary measures in some cases, even to the point of dismissal. It is regrettable, however, that the prison officers concerned are rarely prosecuted. A notorious escape was that of Wilbert Morisseau, who had been imprisoned on several counts of human rights violations, including the case of the Raboteau massacre. He allegedly escaped on 21 March 1997 at a judicial hearing in the civil court at Gonaïves. The APENA officers who were guarding him were placed under detention and then released on 26 June 1997 and therefore struck off the lists.

68. MICIVIH has drawn attention to a question which is of concern to many human rights activists, namely that of the risks incurred when entrusting prison management and the supervision of prisoners to former soldiers. MICIVIH questions whether it is possible to entrust these persons with prison security and be assured of their loyalty so as to prevent and avoid further escapes, particularly of officers of the de facto regime accused of human rights violations.

69. The problem of prison overcrowding has still not been solved. This will remain the case until the shortcomings in the judicial system are remedied in the context of the reform of justice. As has been very correctly pointed out by Mr. Rodolfo Matarollo, deputy executive director of MICIVIH, until justice is able to respond more effectively to the criminal phenomenon, the situation in the prisons is liable to remain critical and security difficult to assure.

70. In all the Haitian prisons, the large majority of the prison population (over 80 per cent) comprises persons in pre-trial detention, forgotten behind bars, many of whom were imprisoned for acts which do not constitute punishable offences. Had it not been for the UNDP prison reform project, the conditions of the prisoners would have been even more inhumane, as in 1993 when MICIVIH described prison conditions in these terms: "The conditions of detention found by the Mission were deplorable. In many cases there was gross overcrowding of prisoners in cells, even where additional accommodation was available. Sanitary conditions were appalling. The budget provided to the Armed Forces of Haiti for prisoners is seriously inadequate, but in any event little of it seems to be applied for their needs: in general, prisoners received only food brought by their families. Routine beatings were reported, and some prisoners were said to have been subjected to deliberately cruel conditions as a disciplinary measure. Several prisoners were found in an advanced state of malnutrition. Many prisoners required but were not receiving medical treatment, in many cases for injuries they said they had suffered as a result of beatings in detention. In several cases the Mission arranged for prisoners to be transferred to hospital, released for medical treatment or treated in detention. The Mission was informed of a number of deaths as a result of such conditions."

71. Since then, the Ministry of Justice has made commendable efforts regarding access to food and medical care for prisoners. Much still remains to be done, however, with regard to the prison regime and the rights of prisoners, and with regard to criminal and prison policy, on the basis of the relevant recommendations of MICIVIH, namely to:

(a) Ensure, as far as possible, the separation of the different categories of prisoners, especially the separation of minors from adults;

(b) Establish a partnership with the Ministry of Health in order to provide medical care for prisoners, organize medical examinations for prisoners upon admission to prison and ensure that regular medical examinations are carried out;

(c) Eliminate the system of majors that prevails in the prisons, so that no prisoner carries out disciplinary functions;

(d) Establish specialized institutions for juvenile offenders, providing treatment in open or semi-open settings, in accordance with the provisions of the Penal Code, the Convention on the Rights of the Child, ratified by Haiti, and the applicable United Nations regulations;

(e) Establish a system for the rehabilitation of offenders with the aim of giving them the necessary skills and motivation to live in a law-abiding and autonomous manner after their release;

(f) Organize post-release assistance and reintegration into society, taking into account, from the beginning of the sentence, the future of the detainee after his release. With respect to convicted juveniles, special efforts must be made to facilitate their return to their families, an educational programme or the workforce;

(g) Address the issue of prisons in the wider context of the prevention of crime and treatment of offenders, which calls for a multidisciplinary approach to criminality and the responses thereto (social actors, community network, institutions responsible, in particular, for education, health, youth, the economy, the police, and judicial and penitentiary institutions); in this respect, it would be useful to organize a first day of reflection on this subject with all the actors concerned;

(h) Envisage the formu ation of non-custodial measures with the aim of harmonizing the penal system with modern trends and limiting the overcrowding of prisons (economic and monetary penalties, restitution or compensation to the victim when possible, community work, educational measures, etc.) taking into account local realities and the personal situation of the detainees (such as the lack of a fixed residence or domicile, being insolvent, etc.);

(i) Continue efforts to improve the management of parquets and courts so as to ensure continuity of the criminal chain and accelerate the course of justice;

(j) Ensure the presence of a legal assistant in all penitentiary centres;

(k) Set up a small library of legal works and documents. The library should contain the essential material for the work of the legal assistant, that is to say the Constitution of the Republic, the Code of Criminal Procedure, the Penal Code, and all APENA texts, along with international instruments ratified by Haiti such as the International Covenant on Civil and Political Rights, the American Convention on Human Rights and the Convention on the Rights of the Child.

72. In the Commission on Human Rights, the independent expert welcomed the initiative of President Préval who, following his visit to the national penitentiary, decided to establish an advisory commission to alleviate delays in criminal justice (established by presidential decree on 8 November 1996) in order to help solve the problem of overcrowding in penitentiary institutions, particularly the national penitentiary.

73. The Commission had the mandate of formulating recommendations on all the cases of prisoners awaiting trial for cases involving correctional courts or simple police matters. At the conclusion of its work, it submitted a report in which it described its activities and shared its observations. Short- and medium-term general recommendations were also made. These have begun to be implemented by the Ministry of Justice, and should be given even greater support by the international community.

X. THE JUDICIAL SYSTEM

74. The Chamber of Deputies considered and on 2 September 1997 adopted the draft law on judicial reform. The representatives of the people believe that it is the State's duty to adopt the measures needed for the administration of sound and impartial justice, that the people's legitimate demands require an in-depth reform of the judicial system and that the judicial branch is an essential foundation of the organization of the State. They further believe that it is incumbent upon the State to apply the Constitution and the law, safeguard human rights, respect and ensure respect for the relevant international conventions ratified by Haiti, and combat impunity by punishing the perpetrators both of offences under the ordinary law and of human rights violations.

75. Introducing the report of the Justice Commission of the Chamber, its Chairman, Deputy Jasmin Joseph, indicated that the draft law included special provisions covering crimes committed before and during the period of the coup d'état of September 1991 and machinery for prosecution, and reflected the consensus of the Government and the two houses of Parliament. The provisions in question are contained in articles 6 to 8 (special provisions), as follows:

> "Article 6 - A special commission composed of magistrates shall be responsible for investigating crimes and offences committed during the period of the coup d'état and the various massacres perpetrated in the country and for bringing the alleged perpetrators and their accomplices to justice.
>
> Article 7 - There is and shall be no period of limitation for crimes and offences committed during the period from 30 September 1991 to 15 October 1994.
>
> Article 8 - The State undertakes, pursuant to the decree of 29 September 1995, to provide assistance to persons identified as victims of the crimes and offences referred to in the preceding article."

76. These three articles represent a response to the popular demand that everything possible should be done to punish the perpetrators of human rights violations who have thus far slipped through the net of justice. There have in fact been several criminal trials where the accused were acquitted because the prosecution could not provide proof of their guilt or convince the jury to convict.

77. The result is that the people and the non-governmental organizations have given voice to frustration because notorious accused persons were tried and acquitted. Yet as the saying goes, it is better to acquit a guilty person than condemn an innocent person. Suspicions are not enough. Proof of guilt must be established. As MICIVIH observed, in most cases there was not the least shred of evidence. Cases have been initiated but the weakness of the criminal investigations that were conducted is simply scandalous.

78. President Préval is fully aware of this and his determination to combat impunity is beyond doubt. In the course of two weeks, he presided over five meetings on the question, attended by the Minister of Justice, former members of

the National Commission of Truth and Justice, the Coordinator of the National Preparatory Commission for the Reform of Justice, some jurists and a representative of MICIVIH. He gave clear, firm instructions to the Minister of Justice that the cases involving impunity must be settled rapidly but without sacrificing human rights standards, especially the right to due process and full and constant respect for the rights of the defence.

79. Without hesitating to prosecute where violations have occurred, care must nevertheless be taken to identify the cases where there is evidence, reliable testimony or serious and concordant circumstantial evidence. Accordingly, the Raboteau massacre case should be prepared very carefully so that the trial can take place in the proper conditions and serve as a model.

80. Article 7 of the draft law on judicial reform, although its context is that of the struggle against impunity, raises a serious problem that must be considered at this time. When they declared that there would be no period of limitation for crimes and offences committed during the period from 30 September 1991 to 15 October 1994, it may be that the Haitian legislators did not take into account the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 26 November 1968. As the Uruguayan expert, Professor Rodolfo Schurmann Pacheco, observed during the series of international meetings on the impunity of perpetrators of serious human rights violations, organized in Geneva from 2 to 5 November 1992 by the Commission nationale consultative des droits de l'homme (France) and the International Commission of Jurists under the auspices of the United Nations:

> "Since antiquity, criminal limitation has consisted in a renunciation of the punitive intent, originally dispensed by judges and subsequently by the penal system, as a rule for crimes considered to be ordinary - according to the historical time and place - but not for those considered to be atrocities (including lèse-majesté, patricide, extortion, murder, forging money), which, by their very nature were held to be exceptions not subject to statutory limitation".

81. It is not being suggested that legislators should reject prosecution, but that prosecutions should be limited to the gravest crimes affecting large sectors of society, and offending the very conscience of mankind. The issue is to prevent, restrict and punish certain types of acts which, in the words of Alejandro Artucio, Legal Counsel to the International Commission of Jurists, violate the principles that should govern the life of civilized nations and contravene the purposes and principles proclaimed in the Charter of the United Nations, thus representing a threat to international peace and security.

82. It would be preferable if legislators declared that there would be no period of limitation for offences such as torture, political assassination and enforced and permanent disappearance. The particular gravity of these offences and their consequences for society have led some theoreticians to see them as crimes against humanity. Moreover, the Declaration on the Protection of All Persons from Enforced Disappearances adopted in December 1992 by the General Assembly considers that "enforced disappearance undermines the deepest values of any society ... and that the systematic practice of such acts is of the nature of a crime against humanity" (resolution 47/133).

83. Moreover, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishes a quasi-universal system of justice with respect to torture, thereby encompassing the consequences of crimes against humanity. One of the effects of the application of article 7 of Haiti's draft law on judicial reform is that the courts, whose ability to handle cases still leaves something to be desired, will be inundated with all kinds of cases: assault and battery, theft, and so on. It is not certain that the legislators took account of article 51 of the Constitution, which provides that "the law cannot be applied retroactively, except in those criminal cases where it favours the accused".

84. It is therefore important to consider, before the final adoption of the law on judicial reform, what the relation is between the principle of legality and the rule concerning the period of limitation. Such limitation can be applied in the case of some crimes and offences, but not in the case of serious crimes such as torture, assassination and enforced disappearance. If the period of limitation is to be waived, it must be waived in connection with this class of major criminal offences - "because the recollection of such crimes does not fade from the memory of the generation that lived through them". It should also be noted that there is a tendency in domestic penal systems is to gradate the time-barring of offences, according to the maximum sentences established by law in the abstract.

85. One of the transitory provisions of the draft law on judicial reform is cause for concern. This is article 11, which provides that "it is the obligation of the State to ensure the final departure from the country of all foreign armed forces, in particular the United Nations contingent known as the United Nations Transition Mission in Haiti (UNTMIH), whose mandate expires on 30 November 1997". In the light of this report, there is a question as to the risks Haiti might incur if the United Nations contingent leaves. It would be advisable to work out an arrangement with the Haitian authorities that would ensure effective protection of the democratic system that has been built up but is still quite fragile.

86. The National Preparatory Commission for the Reform of Justice is ready to get down to work. Its one-year mandate is to determine the reforms needed, establish their cost and method of financing and set a timetable for putting them into effect. Aside from MICIVIH, which is participating in a working group set up to assist it, the Preparatory Commission will be receiving technical support from the European Union, and it should submit its report before the end of the year. In June 1997, a delegation from the Ministry of Justice went to Argentina to study the judicial system, and this prompted a mission from Argentina's Institute of Comparative Studies in Penal and Social Sciences to visit Haiti.

87. It is likely that experts from the Institute will be invited by the International Commission of Jurists to provide assistance, under a European Union/International Commission of Jurists contract for technical assistance. Thanks to efforts by MICIVIH, it has been possible to issue a compendium of circulars, which has been distributed to all prosecution and court officials and to police officers throughout the country. It is hoped that its use will help to prevent arbitrary and illegal practices. A pilot project sponsored by France

and the United States of America, which will train 60 justices of the peace to become judges of first instance, has been a welcome initiative.

88. The international community must continue supporting the process of judicial reform, because the judicial system is still far from healthy. If precautions are not taken, the cancer that has attacked the justice system may infect the police force and the National Penitentiary Administration (APENA). Certainly excessive haste should be avoided, but the delay in complying with even short-term recommendations is disturbing. The reason, of course, is that the Government has not yet clearly framed its policy in the sphere of justice. As a result, extended pre-trial detention and impunity are still the big problems: impunity in the broad sense, which is to say violation of human rights in the past and violation of the law in the present.

89. Is there a way out of this predicament, as long as decent investigations cannot be conducted because premises are deteriorated and judges and judicial personnel are in an unenviable position? A director has been named to head the judicial police and efforts are being made in the context of cooperation, but it will take a long time to reach the end of the tunnel. The situation is all the more disturbing because society is exasperated over the paralysis of judicial institutions.

90. MICIVIH has identified 350 cases in which proceedings have been initiated. In all probability, there are others. There are, for instance, 125 cases in Port-au-Prince; 90 in the Gonaives; 90 in the Plateau Central. These figures are provisional and concern cases for which a file has been opened by the public prosecutor's office and pre-trial proceedings have begun. Only a few of these files contain a record of a police investigation: in most instances, they contain only a complaint.

91. The quality of criminal procedure and the penal system is another source of concern, aggravated by the fact that the 1987 Constitution contains provisions that introduce changes with regard to judicial guarantees but are not often observed. The same applies to guarantees under the American Convention on Human Rights and the International Covenant on Civil and Political Rights, instruments ratified by Haiti in 1977 and 1991 respectively. On a daily basis, grave violations of basic rights are uncovered in the administration of justice.

92. Prolonged pre-trial detention is a perversion of the Haitian penal system. It takes the place of conviction in a judicial system that is improperly and inefficiently managed. The problem is compounded by the regime of pre-trial release pursuant to articles 95 and following of the Code of Criminal Investigation. A judge may not grant pre-trial release in cases involving theft and fraud, and in all other cases bail must be paid. Pre-trial detention thus becomes the rule, and release the exception. It is not difficult to understand why the prisons are overcrowded.

93. The Code of Criminal Investigation of 1835, which has undergone only minor revisions, should be given a major overhaul. The same applies to the Penal Code. The relationship between the office of the examining magistrate and the judicial police should be examined; use of the rogatory commission procedure could help to expedite the processing of cases.

94. If the situation is to change, an activist approach must be adopted. Certain measures cost money, but others require simply the expression of political will. This applies to the ratification of treaties. To this day, Haiti has not ratified the Convention against Torture, the International Covenant on Economic, Social and Cultural Rights or the Optional Protocol to the International Covenant on Civil and Political Rights.

95. What is more, Haiti has still not recognized the jurisdiction of the Inter-American Court of Human Rights. Yet an executive act (a presidential decree) is all that would be needed to declare that Haiti recognizes the jurisdiction of the Court pursuant to article 62 of the American Convention on Human Rights. This means that the failure to ratify is less a matter of refusal or political impasse than a problem of management. This also explains Haiti's delay in submitting its report to the Human Rights Committee.

XI. CONCLUSION

96. The human rights situation has improved considerably, to judge from the indicators of observance of civil and political rights. Although there is still some "political" violence and instances of violations, they are no longer massive in nature as in the past. As for the effective enjoyment of economic, social and cultural rights, the obstacles are enormous but not insurmountable. They stem from the civilian and military dictatorships that for decades abused political and economic power.

97. Today's political actors must also bear their share of responsibility because of the confrontation in which they are engaged, which could plunge the country into an unprecedented political crisis. Laudable efforts have been made to improve the operation of the police force and conditions in the prisons, but much remains to be done. However, the progress made could be wiped out unless there is an in-depth reform of the outdated Haitian judicial system.

98. Deteriorating political and socio-economic conditions resulting from the possible withdrawal of UNTMIH and MICIVIH could have tragic consequences for the future of Haiti and its move towards democratization. Even though the police force is becoming more professional, it is not yet in a position to maintain law and order by itself. Should the United Nations withdraw at the end of November, a formula should be devised for the provision of assistance, possibly through bilateral arrangements, especially with France, the United States of America and Canada.

99. There is no point in masking the truth; the disarmament of Haiti cannot be described as a success. There is therefore a real danger that after the last United Nations soldier has left the demons of the past, with their cortege of disasters, will reappear. This can be averted, provided that everyone does his part, beginning with the Haitians themselves. If the support of the international community were more coordinated, it would be more effective and time and money could be saved. The representatives of the international community have a tendency to criticize the Haitian Administration as a matter of course, and rightly so, but they should attempt some self-criticism. At present, the top priority must be to set up a competent and effective judicial system.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

Emergency assistance for peace, normalcy and rehabilitation in Tajikistan

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 51/30 J of 5 May 1997. In that resolution, expressing its deep concern at the impact of the conflict on the humanitarian situation and on the social and economic infrastructure of Tajikistan, the General Assembly urged the Government of Tajikistan and the United Tajik Opposition (UTO) to continue their efforts to solve the conflict peacefully.

2. The General Assembly also deplored the deterioration in the security situation, condemning terrorist acts and other acts of violence in Tajikistan, and called upon the parties to ensure the safety, security and freedom of movement of United Nations and other international humanitarian personnel.

3. The General Assembly requested the Secretary-General to monitor the humanitarian situation in Tajikistan and report to it at its fifty-second session on the progress made in the implementation of resolution 51/30 J. The present report covers the period from the adoption of the resolution to mid-August 1997.

II. Background to the situation in Tajikistan

4. Tajikistan descended into civil war in 1992, shortly after the dissolution of the former USSR. By mid-1993, in a country of less than 6 million persons, an estimated 50,000 people had been killed, some 600,000 had been displaced internally and an additional 60,000 had crossed the border into Afghanistan. Many others fled to neighbouring Central Asian republics, as well as other countries in the Commonwealth of Independent States (CIS). However, there are no reliable figures on the number of refugees, many of whom might be more appropriately classified as economic migrants.

5. By mid-1995, the majority of internally displaced persons and refugees from Afghanistan returned to their pre-war homes, with support from the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations. Aid organizations consequently focused attention on rendering humanitarian assistance to a broader category of beneficiaries and vulnerable groups, whose livelihoods were threatened by the virtual collapse of social services and widespread unemployment. Agencies also provided short-term rehabilitation opportunities for communities most affected by the civil war.

6. On 27 June 1997, after three years of inter-Tajik talks on national reconciliation, the President of the Republic of Tajikistan and the leader of UTO signed the General Agreement on the Establishment of Peace and National Accord in Tajikistan. The Agreement established a transitional period of between 12 to 18 months for the implementation of all the provisions of the General Agreement.

7. The General Agreement consists of several protocols, addressing such issues as amnesty and mutual forgiveness, the repatriation and reintegration of refugees, demobilization, and the reintegration of opposition fighters, as well as the reform of government power structures, the legalization of political parties, the liberalization of mass media and other democratization activities. The Commission on National Reconciliation (CNR) will be the principal mechanism for implementing the peace agreement. CNR met at Moscow in early July 1997 and at Dushanbe on 15 September 1997.

8. Despite sporadic fighting in some parts of the country and at the Tajik-Afghan border, the ceasefire has by and large been holding since early December 1996. However, frequent security incidents and an increase in common criminality affecting both local populations and international personnel are worrisome trends. A sudden deterioration in the security situation close to Dushanbe and in the southern and western parts of the country in early August 1997, the result of differences between various government forces, temporarily disrupted both humanitarian and development activities and restricted movement to the southern region.

9. Nevertheless, by mid-July 1997 there was a resumption of the voluntary repatriation of Tajik refugees from northern Afghanistan, with most refugees returning to the districts of Bohktar, Vakhsh, Pianj, Kumsangir, Shaartuz and Kolkhozabad in the southern region of Khatlon.

10. The President of Tajikistan and the Leader of the Opposition jointly appealed to the United Nations to organize a donors' conference to facilitate the mobilization of assistance from the international community for the implementation of the specific protocols of the agreement during the transition period. The Special Representative of the Secretary-General in Tajikistan, together with the United Nations Resident Coordinator and an in-country team, comprising United Nations agencies, the Bretton Woods institutions and representatives from other international organizations, is planning to convene such a meeting in autumn 1997, at which a document requesting international

support for peace and reconciliation activities in Tajikistan will be presented to donor Governments.

III. Humanitarian assistance

11. Despite the successful conclusion of the inter-Tajik talks and efforts by the Government to allocate limited resources to returning refugees and displaced persons, the economic situation remains bleak, and essential social services are largely dysfunctional, making a large percentage of the population extremely vulnerable. The most affected are people with no purchasing power — for example, the elderly, female heads of households, families with many children, the institutionalized and the sick — who have been made highly dependent on external assistance. The provision of humanitarian assistance, in tandem with accelerated rehabilitation and development activities, is essential in the short to medium-term period to stem further deterioration in the overall health and nutritional status. It is also crucial as a stabilizing factor along the path towards peace and reconciliation.

12. The United Nations Consolidated Inter-Agency Donor Alert, which requested US$ 22 million to cover urgent humanitarian needs for vulnerable groups in Tajikistan for the period December 1996 to May 1997, was extended until the end of August 1997. That extension was made necessary by a combination of factors, including the late arrival of pledges, security constraints obliging United Nations agency programme suspension and the relocation of international United Nations agency staff for the period February to April 1997, and the resulting delay in implementation of many programmes, particularly in the health and agricultural sectors. The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and several international organizations were able, however, to continue providing relief assistance to vulnerable categories throughout the country during that period, and increased their response in their respective areas of expertise.

13. Some 78 per cent of the Donor Alert was funded as of the end of September 1997. Most of the assistance was pledged to cover World Food Programme (WFP) food aid requirements, including more than US$ 5 million received by WFP from the European Union in response to its initial request of approximately US$ 4.5 million. As of mid-August 1997, an additional amount of US$ 13.7 million has been channelled through the ICRC, IFRC and other non-governmental organizations. Given the evolving situation and the resumption of repatriation, UNHCR issued an appeal in early August totalling US$ 9.7 million to cover the cost of the return and initial reintegration of some 25,000 refugees, mostly from northern Afghanistan, over the following 18 months. The current Donor Alert has been updated to include additional humanitarian requirements for vulnerable groups, other than returnees, and has been extended until the end of 1997. In view of the continuing serious humanitarian needs in the country, the preparation of a consolidated inter-agency appeal for humanitarian assistance to Tajikistan for a period of 12 months beginning in January 1998 is also envisaged. The humanitarian programme, extending much needed assistance to the most vulnerable segments of the population, would also supplement international efforts to support peace and reconciliation in Tajikistan.

A. Implementation of humanitarian programmes

1. Internally displaced persons

14. During the second half of 1996, armed conflict intensified in the Garm and Tavildara regions, east of Dushanbe, leading to a second wave of internally displaced persons, who fled mainly to Dushanbe. ICRC played a major role in providing relief assistance to those people. In April 1997, given the general improvement in the situation in and around Garm and Tavildara, they began to return home spontaneously. In addition, the Government of Tajikistan organized four bus convoys transporting some 2,000 internally displaced persons back to the Tavildara area in July and August, and assisted in the return of approximately 2,600 displaced from Darvaz and Sagirdasht, whose return had been previously prevented, reportedly due to mined roads along the Kaburobad Pass. For economic or other reasons, any remaining displaced persons in Dushanbe from the Tavildara area are unlikely to return to their home province.

15. During the period May through July 1997, the International Organization for Migration (IOM) organized the successful return home of some 1,900 displaced persons who had sought refuge in the semi-autonomous region of Gorno Badakshan since the outbreak of the civil war. The principal area of return was Dushanbe. Relief and protection assistance was provided by ICRC and the Organization on Security and Cooperation in Europe (OSCE). Other displaced persons who fled to Gorno Badakshan in 1992-1993 have chosen to remain there either for economic or family reasons.

2. Voluntary repatriation

16. After a five-month suspension and as a result of the signing of the peace agreement, UNHCR resumed its voluntary repatriation operation on 17 July 1997. As of 10 August 1997, over 2,000 Tajik refugees from Kunduz and Takhar province in northern Afghanistan have been repatriated to districts in the southern province of Khatlon through the Nijni Pianj crossing point. It is hoped that current security and logistics constraints will be overcome in the near future, thereby enabling repatriation of refugees in Sakhi camp near Mazar-I-Sharif to restart through the second crossing point, by road and rail through Hairoton, Afghanistan and Termez, Uzbekistan. UNHCR plans to organize the voluntary repatriation of about 10,000 refugees in 1997 and 15,000 refugees in 1998. It is estimated that 75-80 per cent of the returnees will be women and children under the age of 15. It should be noted that there are another 15,000 Tajik refugees registered in Kyrgyzstan, as well as a large number of Tajik refugees in the Russian Federation, among them 40,000 in the Novosibirsk area alone.

17. Once the refugees return to their villages of origin in Tajikistan, UNHCR, together with other United Nations agencies and non-governmental organizations, will provide them with opportunities to earn income as well as with assistance in reconstructing destroyed houses and repairing basic community infrastructure through quick impact projects.

3. Food aid

18. WFP estimates that about 900,000 people in Tajikistan, or close to 16 per cent of the population, require food aid in 1997. The WFP programme covers a total of 482,000 people in the country, and will also take into account the Tajik refugees who are expected to return from Afghanistan. Other agencies, such as the Aga Khan Foundation, CARE International, German Agro Action, IFRC, Mercy Corps International and Save the Children, will cover the food aid needs of the remaining caseload of 420,000 people.

19. Apart from general feeding programmes for the old, handicapped, orphans and unemployed, WFP and non-governmental organizations are encouraging projects promoting the rehabilitation of agricultural land and infrastructure through food-for-work interventions, including clearing irrigation canals, school rehabilitation and pilot forestry schemes. The majority of the overall food aid is being directed to vulnerable groups, mostly women and children, in Khatlon and Gorno Badakshan.

20. WFP estimates the total minimum food aid requirement for Tajikistan in 1997 at 74,000 tons, of which it expects to mobilize, deliver and distribute about 36,000 tons in 1997, with the European Union, ICRC and international non-governmental organizations providing the balance. WFP and other food aid agencies distributed approximately 25,000 tons in the first six months of 1997.

21. Preliminary results from the European Community Humanitarian Office food vulnerability survey, carried out in June 1997 in conjunction with WFP, German Agro Action and IFRC, indicate that food aid will continue to be required well into 1998. Efforts by agencies are ongoing to standardize and put in place a better classification of beneficiary categories and criteria for receiving food aid, as well as a more extensive monitoring system.

4. Health

22. The overall health situation is discouraging. The number of children who die before age one from acute respiratory infections and diarrhoeal disease in Tajikistan is over 3,000 per year (two thirds of all infant deaths), with anaemia being a contributing factor for both mother and child. In terms of preventable mortality, those diseases constitute the most serious problem. The spread of other diseases, such as typhoid and malaria, is serious and increasing. Tuberculosis is on the increase, iodine deficiency disorders are common and cardiovascular disease is a major cause of adult mortality. Due to drastically deteriorating standards of living, such diseases as scabies are common.

23. In general, the national health system in Tajikistan is suffering from a lack of supplies, maintenance, adequate local diagnostic and treatment services, trained personnel and modern methods. International assistance has partially offset the lack of certain drugs, but to date little assistance has addressed the need for rehabilitating physical infrastructures. The problem is compounded by the fact that medical and health personnel receive insufficient salaries or none at all. Many health workers have therefore left the country or found alternative income opportunities.

24. The Ministry of Health is implementing several national programmes supported by WHO and the United Nations Children's Fund (UNICEF), supplemented by interventions by international organizations, such as ICRC, IFRC, Medical Emergency Relief International, *Médecins sans frontières*, *Pharmaciens sans frontières*, Relief International and Save the Children.

25. The World Health Organization (WHO) Medium Term Programme is focusing on the following priority areas: health-care reforms, including financing and training; control of communicable diseases, with special emphasis on control of tuberculosis, malaria, typhoid and diphtheria, and

family planning. In June 1997, thanks to adequate funding, WHO was able to commence a one-year emergency programme to control malaria and typhoid. Apart from providing relevant medical supplies, the focus of the programme is on standardizing treatment protocols and training health personnel.

26. The typhoid epidemic which broke out at Dushanbe in January 1997 and spread to other towns throughout the country, causing over 20,000 patients to be hospitalized by mid-July 1997 and over 130 deaths, has been the major focus for response, necessitating a clear division of labour between assisting international organizations. The German Agency for Technical Assistance and IFRC have focused on water treatment, an extensive public information campaign and distribution of non-medical hospital items, while Medical Emergency Relief International, *Médecins sans frontières* and *Pharmaciens sans frontières* have provided appropriate drugs and assistance in treatment. WHO held two typhoid seminars at Dushanbe and Kuliab in June and July 1997. Missions from the United States Centers for Disease Control at Atlanta have assisted with situation analysis and provided recommendations for improving Dushanbe's water supply and preventing further contamination. UNICEF has played a supporting role.

27. Implementation of the malaria project has suffered setbacks and been delayed, but the Agency for Technical Cooperation and Development and Medical Emergency Relief International are active on both the preventive and curative side in an effort to combat the increase of malaria cases in the most affected districts of Khatlon province.

28. The Ministry of Health, together with UNICEF, is implementing a national programme to combat acute respiratory disease and diarrhoeal infections, with training and information components and drug provisions. UNICEF is also developing a national nutrition programme, covering both anaemia and iodine disorders. All externally supplied flour is to be fortified with iron, and all women of childbearing age and children between 6 and 24 months of age will receive iron tablet supplements. Iodine and sprayers will be provided by UNICEF before the end of 1997 through its salt iodization programme.

29. The return of refugees from northern Afghanistan will create an additional caseload, and will strain further the already fragile local health structures. Although some medical assistance is being provided to refugees at the transit centre upon arrival, including vaccination, the emphasis is on ensuring that all returnees are registered and covered by local health facilities in their area of return and their health situation monitored.

30. During the period April to August 1997, due to changes in the regulations, international organizations experienced many difficulties with the registration, importation and clearance of humanitarian medical supplies, which hampered the smooth and effective delivery of medicines to central hospitals and local health facilities. In cooperation with the Ministry of Health, efforts are under way to improve procedures for importing humanitarian drugs and supplies, as well as to bring current Tajik regulations in line with international standards.

5. Water supply and sanitation

31. Since the civil war, the majority of water towers throughout the country have fallen into disrepair or have been destroyed, piped water systems have not been maintained and pumping stations are operating at a fraction of their capacity. Chlorination of water in major towns has been sporadic, and frequent contamination occurs, mainly in areas with piped water. Spring floods compound the problem by flooding the sewage systems as well as the drinking water systems, which leads to massive contamination. Repeated outbreaks have been seen in 1996 and 1997 at Dushanbe, Kuliab and other parts of the country, with the regular occurrence of typhoid.

32. There are urgent needs for large-scale water and sanitation programmes throughout the country, with the technical approach appropriately adapted to each geographical area. However, to date lack of funding has only allowed for small-scale selected interventions. During the period of major repatriation between 1993 and 1995, several projects provided latrines to areas of concentration of returnees, as well as hand pumps and some repair to deep-well water-supply systems for communities. Since 1995, UNICEF has concentrated on providing water through hand pumps or sand filters to selected schools and institutions, mostly in Khatlon province, and on hygiene education through community participation.

33. In April 1997, in an effort to combat the typhoid epidemic, IFRC, in cooperation with the German Agency for Technical Assistance, started an emergency water-supply project at Dushanbe, which included chlorination, some repair work and a countrywide public information campaign about water usage and conservation. In June 1997, Medical Emergency Relief International started a six-month hyper-chlorination project at Kuliab. Also at Kuliab, the United Nations Office for Project Services (UNOPS) continued to provide support to a longer-term project to rehabilitate one part of the city's water-supply system.

6. Education

34. Problems besetting the education sector are very similar to the health sector. The lack of building maintenance, infrequent payment of salaries, and lack of school books and other equipment have lead to a reduction in the numbers of teachers and students who attend school. School days have been shortened, and due to lack of resources the classes are given in two or three shifts, with meals or snacks normally no longer provided. Attendance is particularly low during winter due to lack of heating, warm clothes and shoes.

35. Schools in most parts of Tajikistan today are surviving on money given by parents or communities, and many buildings are maintained by community members. In some districts, such as Starre Marcha, community land normally leased to users is used free of charge by health and education workers. In some southern areas, WFP is promoting more extensive use and sharing of land belonging to schools. Such agencies as Save the Children, Orphan and Relief Assistance International and Mercy Corps International are also providing food and other relief items to schools and/or orphanages. In addition, the Aga Khan Foundation is providing extensive assistance at all levels of the education sector throughout Gorno Badakshan province.

36. During the winter of 1996-1997, IFRC and some non-governmental organizations provided support, such as fuel for heating or shoes and clothing, to encourage schools to continue working, and UNICEF provided notebooks and pens to selected areas. Funds received in spring 1997 from several donors have enabled UNICEF to start printing school books for the four primary classes to be delivered in the summer of 1997, but stronger donor support for school heating and the provision of school books, stationery, kits and equipment is essential for the continuation of those efforts and, indeed, for the schools to remain open at all.

37. The problem of street children, as well as of increased numbers of children selling products in the market, working as porters or car cleaners, is growing. Most of those children are still living at home, and some are even still studying part time, but others are real orphans, having escaped orphanages with few or no resources, and are in serious need of help. In June, Save the Children Fund, in collaboration with Avicen, started projects to identify the most desperate groups of children at Dushanbe and find solutions to avoid that tragic form of child labour for family survival. UNICEF is advocating with concerned ministries for increased understanding of the problem and allocation of maximum resources to affected families.

7. Agriculture

38. Agriculture is the leading sector in the Tajik economy, accounting for about 25 per cent of gross domestic product (GDP) and employing about 40 per cent of the labour force. Under the previous centralized system, the sector specialized in producing cotton, fruit and vegetables for export to other parts of the former USSR, and depended on allocated imports for a large proportion of its basic food supplies, with the exception of fresh fruits and vegetables. Imports of food have fallen very sharply in recent years.

39. Tajikistan is a mountainous country and arable land is scarce. Land remains the property of the State but is gradually being released for private production on long-term land leases. The land reform law permits leases of up to 100 years, with inheritance rights, but does not allow agricultural land to be bought or sold. Cotton growing still predominates on state and collective farms, but increasing proportions of cereals are evident in the private sector. Livestock farming and fruit and vegetable production are predominantly undertaken on small private household plots. Investment in the agricultural sector, as elsewhere, has been very limited in recent years. In order to avoid further deterioration of the food security situation, the Government has allocated additional land to cereal production at the expense of cotton in recent years. In 1997, the area was increased further, and if the projected favourable weather conditions hold, the 1997 wheat harvest is expected to be good.

40. Rural development efforts are aimed at making more irrigated land available to private farmers on lease terms, assuring security of land tenure and demonopolization of the upstream and downstream sectors, providing inputs and marketing to agriculture.

41. In 1996, the Food and Agriculture Organization of the United Nations (FAO) provided emergency technical assistance for locust control. Funding was secured for FAO projects geared to providing agricultural inputs for the spring 1997 planting season, including the supply of up to 580 tons of Elite class A seed potatoes and related inputs. But implementation of those projects was suspended due to a sudden deterioration in the security situation, and it is now envisaged that the project will be implemented during autumn 1997.

42. FAO is currently striving to resume and expand its programme in the country. Under the FAO Technical Cooperation Programme, a one-year project entitled "Coordination of emergency agricultural relief and recovery intervention" was launched in June 1997. The project aims to develop, coordinate and implement strategies that address immediate emergency agricultural needs and support efforts

to create conditions conducive to recovery and sustained development.

8. Mine action

43. Subsequent to the inter-agency assessment mission to Tajikistan in October 1996, which, *inter alia*, recommended the establishment of a mine action centre at Dushanbe, security constraints and a lack of funding combined to hinder any progress in developing that proposal. Given the change in situation and the momentum provided by the peace agreement, a two-person team from the Department of Humanitarian Affairs of the United Nations Secretariat visited Tajikistan from 11 to 21 July 1997 to re-evaluate the extent of the mine problem, hold discussions with all relevant parties and conduct field visits. At the same time, mine awareness courses were offered to United Nations Mission of Observers in Tajikistan (UNMOT), United Nations and non-governmental organization personnel.

44. The team concluded that although there is a mine problem in Tajikistan, it is not on a scale comparable to such countries as Afghanistan, Angola, Cambodia or Mozambique. The humanitarian impact is fairly small and confined to the central part of the country. Nonetheless, a central information system to collect and monitor data related to landmines is required immediately, and UNMOT will be the focal point for gathering mine information as part of their normal observer activities.

B. Coordination of humanitarian assistance

45. Overall coordination of humanitarian assistance activities in Tajikistan is the responsibility of the United Nations Resident Coordinator, who is supported by a Field Coordination Unit of the Department of Humanitarian Affairs which was re-established at Dushanbe in January 1997. The Unit is an integral part of the United Nations coordination structure, which includes all United Nations agencies operating in Tajikistan, as well as the full consultative participation of the International Organization for Migration, ICRC, OSCE and international non-governmental organizations. It is envisaged that the Unit will remain in the coordination structure when the Resident Coordinator also becomes the Deputy Special Representative under the new arrangement proposed in the Secretary-General's latest report to the Security Council on Tajikistan (S/1997/686).

46. Regular inter-agency meetings between United Nations agencies, ICRC, IFRC, non-governmental organizations, donors and bilateral representatives are convened at Dushanbe to discuss policy, planning and operational arrangements. At the field level, efforts are being made to strengthen inter-agency cooperation and complementary planning through monthly coordination meetings in the main operational areas, such as Kurghan-Teppe, Shartuz and Khorog. Bi-weekly or monthly sectoral meetings covering food aid, agriculture, human rights and education are also held at Dushanbe.

47. Coordination among non-governmental organizations is strong and a mechanism exists by which two non-governmental organization representatives are elected to represent the non-governmental organization community at United Nations inter-agency meetings. Coordination between the Government and international organizations is carried out through regular contacts between agencies and their government counterparts. That has been further strengthened in 1997 by the increased involvement of the Government's Aid Coordination Unit, which answers to the Prime Minister and is responsible for monitoring all commitments and disbursements of international assistance to Tajikistan.

IV. Rehabilitation and development cooperation

48. Since the commencement of its activities in Tajikistan in 1994, the United Nations Development Programme (UNDP), in close collaboration with the World Bank, has provided operational as well as institutional support to the Government to enhance national capacity for the successful absorption, analysis and planning of international assistance. That approach has aimed to build self-reliance, public trust and accountability for reconciliation and sustainable development, and to ensure a smooth transfer from relief activities to rehabilitation and development assistance. With programme resources of approximately US$ 6 million committed over the years 1994, 1995 and 1996, UNDP has provided assistance to the Office of the Prime Minister for external resource management, community-based rehabilitation, reconstruction and development, promotion of confidence-building measures, women in development, governance, and the Central Asian transit transport initiative (see para. 53 below).

49. More recently, with the signing of the General Agreement on Peace and National Accord in Tajikistan, UNDP, in collaboration with the international community in the country, has initiated efforts that will guide the programming of international assistance to support the

immediate medium and long-term requirements of the country. That initiative focuses on partnerships and alliances between and among nationals and the international community, with the aim of bringing coherence to the planning, programming, financing and implementation of international support for peace, reconciliation and development cooperation in Tajikistan.

50. UNDP has placed emphasis on strengthening the capacity of institutions at both the community and national levels, initiating activities that support rehabilitation and maintenance of viable structures, systems and services. In mid-1996, UNDP initiated a rehabilitation, reconstruction and development programme that targets rural populations, concentrating on activities that restore basic infrastructure and stimulate economic activity to build up local capacities, both public and private. To date, the programme has established sub-offices in three regions (Garm, Kuliab and Shaartuz), implementing multisectoral sub-projects totalling US$ 1.5 million. In December 1996, activities in the Garm sub-office were suspended when fighting broke out between opposition and Government forces, and activities in the remaining two sub-offices were subsequently suspended in February 1997, when all United Nations international personnel were relocated from the country for nearly three months. Upon the return of United Nations personnel in May 1997, operations in all three sub-offices resumed.

51. UNDP, working with the Ministry of Labour and Employment, together with the Ministries of Culture and Education, initiated a community-based peace and confidence-building measures project that focused on the promotion of peace-building by providing support to sporting, cultural and educational activities that bring together different regions, ethnic groups and communities. The project has concentrated its activities in the war-damaged West Khatlon and Shaartuz regions, establishing some 60 community centres that implement grass-roots initiatives in rehabilitation, peace-building, training, income-generating and community service activities. Though security risks remain, the project has successfully promoted social and economic stability in the regions of previous conflict, and has been effective in advancing community understanding of peace and reconciliation.

52. Through its women in development (WID) project, UNDP has provided specific funding for activities that benefit the lives of women in the Kofarnihon region. Assistance has been provided in support of small enterprise development, micro-credits, agriculture and training. WID, in addition to building national capacity for issues related to gender, is serving as a resource and training centre, helping local women to design, initiate and manage sustainable activities that are having a significant impact on the lives of Tajik women.

53. In cooperation with the United Nations Conference on Trade and Development (UNCTAD), UNDP has funded a regional undertaking with the five Central Asian Republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkemenistan and Uzbekistan to enable the countries to agree on a transit transport framework agreement. The agreement is to comprise the basic principles governing the development and management of transit infrastructure and transport operations, as well as the identification of specific protocols that will need to be elaborated at a later stage in order to provide for arrangements and day-to-day procedures for its implementation. Given that the five Central Asian Republics are landlocked, in search of world markets and in need of developing new transport corridors to improve trade performance, UNDP is providing support to the Government of Tajikistan to pave the way for a modern system of transit procedures and ensure adherence to international customs conventions that simplify border crossings among the five Central Asian Countries, resulting in reduced transport costs, increased competitiveness, expanded trade potential and augmented economic growth.

54. UNDP, in its responsibilities to the resident coordinator system, continues to lead the process of programme design, formulation and implementation of international assistance in Tajikistan. With programme resources of US$ 14 million to be allocated over the next three years (1997-1999), UNDP, in consultation with the Government, the United Nations system, Bretton Woods institutions and other international organizations, including non-governmental organizations, aspires to develop an integrated, well-coordinated strategy for international assistance to support peace, reconciliation and development cooperation in Tajikistan.

V. Concluding observations

55. In the wake of the successful conclusion of the inter-Tajik talks, the focus of international assistance efforts has shifted to providing support for peace and reconciliation in Tajikistan during the crucial first 12 to 18 months after the signing of the peace accords. Such support is essential for the smooth implementation of the protocols in the General Agreement and for shifting programmes towards more sustainable development activities in a longer-term framework.

56. The restoration of basic services and infrastructure is a major challenge, and will require large-scale support from the international community, as well as renewed commitment by the Government of Tajikistan to allocate the necessary resources to the implementation of the peace agreement.

57. However, the humanitarian situation in Tajikistan remains precarious, and there is a clear need to continue humanitarian programmes to ensure the subsistence of the most vulnerable segments of the population. Humanitarian assistance also has an important role to play in international efforts to support peace and reconciliation in Tajikistan.

58. The current United Nations Consolidated Inter-Agency Donor Alert has been updated and extended through December 1997. The updated Donor Alert will be presented in conjunction with the document "International support to peace and reconciliation in Tajikistan", which is to be presented to an international conference on Tajikistan in autumn 1997.

59. The current humanitarian situation in Tajikistan points to continuing humanitarian needs in the near future. For that purpose, a full-scale consolidated inter-agency appeal for humanitarian assistance for a period of 12 months beginning in January 1998 is envisaged.

60. The Secretary-General wishes to thank the international donor community for their generous support of humanitarian assistance programmes in Tajikistan. Adequate quantities of food stocks, medical supplies and other relief items will be critical, however, during the winter months. The Secretary-General calls upon the international donor community to continue to provide generous voluntary contributions in support of humanitarian assistance and development programmes in Tajikistan.

61. The Secretary-General wishes to express profound appreciation for the work that the men and women of the humanitarian organizations are continuing to undertake under difficult circumstances in Tajikistan.

62. The occurrence of serious security incidents and military activity affecting humanitarian agencies in parts of the county, notably in the Garm and Tavildara areas and Khatlon province, is a major concern. The Secretary-General urges the Government of Tajikistan to ensure the safety, security and freedom of movement of United Nations and other international humanitarian personnel.

Table I: 1996 - 1997 UN Consolidated Inter-Agency Appeal Donor Alert on Urgent Humanitarian Needs in Tajikistan (Extended to August)
Donor Breakdown of Contributions through Appealing Organisations
as of 15 September 1997

Compiled by DHA on the basis of information provided by the respective appealing organisations.

A. NON-FOOD

Donor	Channel	Project Code	Sector (Activity)	Amount US$
Austria *	WHO	TJK-96-1/H/04	Control of diarrhoeal diseases, including typhoid fever	42,017
Cyprus	DHA	TJK-96-1/CC/01	Coordination	1,000
Denmark	WHO	TJK-96-1/H/03-04	Control of malaria epidemic/control of diarrhoeal diseases, including typhoid fever	100,000
Germany	GAA	TJK-96-1/EGY/01	Provision of heating coal to social institutions and vulnerable groups	152,439
Greece	DHA	TJK-96-1/CC/01	Coordination	58,000
Japan	WHO	TJK-96-1/H/03-04	Control of malaria epidemic/control of diarrhoeal diseases, including typhoid fever	1,000,000
Netherlands	FAO	TJK-96-1/AA/01	Emergency supply of agricultural inputs for 1997 spring planting season	540,540
Netherlands	GAA	TJK-96-1/EGY/01	Provision of heating coal to social institutions and vulnerable groups	224,540
Netherlands	UNICEF	TJK-96-1/H/01	Provision of essential drugs and medical supplies	626,854
Netherlands	UNICEF	TJK-96-1/H/02	Provision of micronutrients	180,250
Netherlands	UNICEF	TJK-96-1/E/03	Provision of paper and consumable materials for the printing of essential textbooks for the first four grades of primary school	154,500
Netherlands	UNICEF	TJK-96-1/WS/03	Provision of water filters to schools and health facilities	64,037
Norway	UNICEF	TJK-96-1/H/02	Provision of micronutrients to control anaemia & of fortified supplements to strengthen child & maternal nutrition (In kind)	439,395
Norway	WHO	TJK-96-1/H/03-04	Control of malaria epidemic/control of diarrhoeal diseases, including typhoid fever	100,000
Sweden	FAO	TJK-96-1/AA/01	Emergency supply of agricultural inputs for 1997 spring planting season	139,000
Sweden	UNICEF	TJK-96-1/H/01	Provision of essential life-saving drugs and medical supplies; provision of EPI vaccines and syringes for primary series immunisation including DT for children at school entry age and OPV vaccines for polio eradication	40,813
Sweden	UNICEF	TJK-96-1/E/03	Provision of paper and consumable materials for the printing of essential textbooks for the first four grades of primary school	154,500
Sweden	WHO	TJK-96-1/H/03-04	Control of malaria epidemic/control of diarrhoeal diseases, including typhoid fever	72,780
Switzerland	DHA	TJK-96-1/CC/01	Coordination	68,966
United Kingdom	DHA	TJK-96-1/CC/01	Coordination	183,520
EC-ECHO	DHA/MCPU	TJK-96-1/LM/01	Mine Action Centre	227,272
AGFUND	UNESCO	TJK-96-1/E/01	Basic education for vulnerable and psychologically traumatized children	85,000
TOTAL - NON FOOD (Part A)				**4,655,423**

B. FOOD AID

Donor	Channel	Project Code	Commodity	Food (MTs)	Amount US$
Finland	WFP	TJK-96-1/EFA/01	Food aid	1,827 MTs	1,288,245
Germany	GAA	TJK-96-1/EFA/03	Relief food assistance	*To be determined*	298,780
Germany *	GAA	TJK-96-1/EFA/03	Food aid (Wheatflour and potatoes)	*To be determined*	271,676
Netherlands	WFP	TJK-96-1/EFA/01	Food aid	1,407 MTs	1,071,181
Norway	WFP	TJK-96-1/EFA/01	Food aid	200 MTs	278,141
Sweden	WFP	TJK-96-1/EFA/01	Food aid	2,301 MTs	753,012
Switzerland	WFP	TJK-96-1/EFA/01	Food aid	884 MTs	361,720
USA	WFP	TJK-96-1/EFA/01	Food aid	9,623 MTs	4,581,600
USA	WFP	TJK-96-1/EFA/01	Food aid	230 MTs	267,850
EC-ECHO	WFP	TJK-96-1/EFA/01	Food aid	2,932 MTs	1,448,991
EC-ECHO *	GAA	TJK-96-1/EFA/03	Food aid (Wheatflour, sugar, oil)	2,025 MTs	1,210,593
EC-ECHO *	GAA	TJK-96-1/EFA/03	Food aid (Wheatflour, sugar, oil)	*To be determined*	862,069
TOTAL - FOOD AID (Part B)				**21,429 MTs**	**12,693,858**

GRAND TOTAL	**21,429 MTs**	**17,349,281**

* *As reported by the Donor to DHA. Pending confirmation by the Agency.*

Table II: 1996 Additional Humanitarian Assistance to Tajikistan

Outside of the framework of the UN Consolidated Inter-Agency Appeal

as of 15 September 1997

Note that this table is comprehensive to the extent that decisions have been reported to DHA by Donors.

Decision Date	Donor	Channel	Description	Value US$
06-Nov-96	Denmark	ICRC	Cash for ICRC's International Relief Programmes in Tajikistan	213,675
06-Nov-96	Denmark	IFRC	Cash for IFRC's International Relief Programmes in Tajikistan	128,205
			Sub-Total	**341,880**
13-Jun-96	Finland	RC/Finland	In kind - relief items	317,125
16-Oct-96	Finland	RC/Finland	In kind for humanitarian assistance	274,725
16-Oct-96	Finland	WFP	In kind for humanitarian assistance	219,780
			Sub-Total	**811,630**
14-Jun-96	Germany	German Agro Action	Cash for blankets, winter shoes/clothes for people in need in Djirgital, Garm, Tadjikabad, Rogun & other districts	286,928
12-Jun-96	Germany	German Embassy	Cash for relief assistance for the flood affected populations	19,608
14-Jun-96	Germany	ICRC	Cash for relief assistance for the conflict affected refugees	130,719
02-Dec-96	Germany	RC/Germany	Cash for 2,000 winter boots for prisoners in Kalai Khum	32,680
			Sub-Total	**469,935**
01-Dec-96	Iran	Committee of Assistance "Imam Humainy"	In kind - clothes for 3,600 families with 18,000 members and one-time assistance was provided to 6,000 families without breadwinners	0
01-Dec-96	Iran	Committee of Assistance "Imam Humainy"	In kind - food aid for the orphans	0
01-Dec-96	Iran	Committee of Assistance "Imam Humainy"	Cash and food assistance to the charitable, medical, training cultural centres	800,000
01-Dec-96	Iran	Committee of Assistance "Imam Humainy"	Services - medical assistance provided to the families without breadwinners	0
01-Dec-96	Iran	Committee of Assistance "Imam Humainy"	In kind - distribution of the stationary to the schoolchildren and the assistance to the needy students	0
01-Dec-96	Iran	Committee of Assistance "Imam Humainy"	Employment - setting up of sewing workshops and distribution of ready-made production to the families without breadwinners	0
			Sub-Total	**800,000**
28-Feb-96	Ireland	ICRC	Cash for relief aid in Tajikistan	156,006
13-Mar-96	Ireland	RC/Ireland	Cash for relief activities in Tajikistan	158,228
			Sub-Total	**314,234**
29-Jul-96	Italy	UNICEF	Cash for emergency protection of children and maternal health	100,000
01-Oct-96	Italy	WHO	Cash for health assistance to children and women; medical and sanitation	990,099
			Sub-Total	**1,090,099**

Table II: 1996 Additional Humanitarian Assistance to Tajikistan

Outside of the framework of the UN Consolidated Inter-Agency Appeal (continued)

as of 15 August 1997

Note that this table is comprehensive to the extent that decisions have been reported to DHA by Donors.

Decision Date	Donor	Channel	Description	Value US$
30-Oct-96	Netherlands	ICRC	Cash for General contribution to ICRC Field Operations during 1996 in Tajikistan (Included in NLG 3,000,000 - Part of NLG 10,000,000))	584,795
23-Feb-96	Netherlands	MSF/Netherlands	Cash for emergency medical programme for the population in Gorno Badakhshan	330,307
31-Dec-96	Netherlands	NOVIB	Cash for an emergency aid project to Khatlon province (food aid to vulnerable groups)	250,000
26-Jun-96	Netherlands	Relief International /USA	Cash for reduction of mortality and morbidity of the rural (refugee) population through a targeted approach to curative and preventive health care	312,399
16-Apr-96	Netherlands	RC/Netherlands	Cash for humanitarian assist. (supply of basic food products/hygienic products) to Tajik refugees in Kyrgyzstan	358,939
31-Jul-96	Netherlands	RC/Netherlands	Cash for ICRC assistance programme for detainees and displaced in Tajikistan (food & medical assistance)	694,497
04-Jul-96	Netherlands	SCF/United Kingdom	Cash contribution to a "female headed household project" in order to strengthen the ability of families and communities to reduce their overall level of vulnerability and protect child welfare in times of stress	338,523
05-Nov-96	Netherlands	UNICEF	Cash contribution without further earmarking to the UNICEF programme in Tajikistan	584,795
16-Apr-96	Netherlands	WFP	Cash to the WFP Emergency Food Prog. for vulnerable groups in Tajikistan (258 MTs oil & 86 MTs sugar)	571,486
			Sub-Total	4,025,741
01-Jul-96	Norway	ICRC	Cash for BP-5 high protein biscuits to prisoners (POL96-A229)	195,184
01-Jun-96	Norway	IFRC	Cash for assistance to vulnerable groups (POL96-A250)	212,290
			Sub-Total	407,474
23-Mar-96	Russian Federation	EMERCOM	In kind - 243 MTs of flours; 60.7 MTs of canned meat; 14 MTs of canned fish; 62.7 MTs of rice; 70 MTs of powder milk; 60 Mts of sugar; 13.5 Mts of medicines and 40 Mts of clothes for humanitarian assistance to Tajik population	1,645,373
01-Dec-96	Russian Federation	Ministry on Emergency Situations	In kind - 519 tons of food to the Republic of Tajikistan	0
01-Dec-96	Russian Federation	Ministry on National Affairs	In kind - delivery of 60 tons of the food to Tajikistan	0
01-Dec-96	Russian Federation	No channel specified	Services - 200 people were airlifted free of charge from Dushanbe to Moscow	0
01-Dec-96	Russian Federation	No channel specified	Cash for the emergency pecuniary assistance provided to separate citizens of Tajikistan in the first quarter of 1997	20,000
			Sub-Total	1,665,373
28-Mar-96	Sweden	ICRC	Cash for the ICRC Appeal	150,376
09-May-96	Sweden	IFRC	Cash for the IFRC Appeal	447,761
13-May-96	Sweden	WFP	Cash for emergency food aid for 400,000 needy persons	746,269
			Sub-Total	1,344,406
15-Apr-96	United Kingdom	RC/United Kingdom	Cash for supplementary feeding, essential drugs, distribution of clothes and soup kitchens	384,615
27-Mar-96	United Kingdom	WFP	Cash for purchase & distribution of food aid (5,440 MTs of cereals; 400 MTs of edible oil; & 160 MTs of sugar)	3,513,175
			Sub-Total	3,897,790

Table II: 1996 Additional Humanitarian Assistance to Tajikistan

Outside of the framework of the UN Consolidated Inter-Agency Appeal (continued)

as of 15 September 1997

Note that this table is comprehensive to the extent that decisions have been reported to DHA by Donors.

Decision Date	Donor	Channel	Description	Value US$
30-Sep-96	USA	Aga Khan Foundation	Cash for humanitarian assistance (USAID FY 1996 Assistance)	250,000
30-Sep-96	USA	Bilateral	Food aid - government to government (USDA FY 1996 Assistance)	11,000,000
30-Sep-96	USA	CARE International	Cash for humanitarian assistance (USAID FY 1996 Assistance)	300,000
30-Sep-96	USA	ICRC	Cash (1996 ICRC Appeal) (DOS-PRM FY 1996 Assistance)	1,875,000
30-Sep-96	USA	IESC	Cash for humanitarian assistance (USAID FY 1996 Assistance)	100,000
30-Sep-96	USA	IFRC	Cash for humanitarian assistance (USAID FY 1996 Assistance)	450,000
30-Sep-96	USA	ICM	Cash (DOS-PRM FY 1996 Assistance)	99,000
30-Sep-96	USA	IRC	Cash for humanitarian assistance (USAID FY 1996 Assistance)	197,000
30-Sep-96	USA	MCI	Cash for humanitarian assistance (USAID FY 1996 Assistance)	535,000
30-Sep-96	USA	SCF/USA	Cash (DOS-PRM FY 1996 Assistance)	700,000
30-Sep-96	USA	SCF/USA	Cash for humanitarian assistance (USAID FY 1996 Assistance)	330,000
30-Sep-96	USA	UNDP-PCB	Cash for humanitarian assistance (USAID FY 1996 Assistance)	50,000
30-Sep-96	USA	UNDP-RRD	Cash for humanitarian assistance (USAID FY 1996 Assistance)	200,000
30-Sep-96	USA	Various NGOs	Donated commodities by PVO and DOD for food, fuel, medical (S/WIG/C FY 1996 Assistance)	2,000,000
30-Sep-96	USA	Various NGOs	Food aid (USDA FY 1996 Assistance)	12,350,000
			Sub-Total	**30,181,000**
19-Sep-96	EC-ECHO	Caritas/Switzerland	Cash for reconstruction of about 150 houses for returnees in southeast Tajikistan (Part of ECU 1,420,000)	317,259
05-Jun-96	EC-ECHO	German Agro Action	Cash for feeding programme for most social vulnerable groups (Part of ECU 8,900,000)	2,940,159
19-Sep-96	EC-ECHO	ICRC	Cash for purchase of 49 MTs of high energy biscuits and approximately 5,000 individual family parcels (Part of ECU 1,420,000)	444,162
12-Dec-96	EC-ECHO	ICRC	Cash for 80,000 family food parcels; medicines; 6,000 matresses; 4,500 clothing sets; 200t of coal (Part of ECU 1,460,000)	630,517
12-Dec-96	EC-ECHO	ICRC	Cash for emergency humanitarian assistance to victims of civil war in center Tajikistan (Part of ECU 1,000,000)	1,261,034
19-Sep-96	EC-ECHO	IFRC	Cash for delivery of 300 stoves and 1,500 MTs of coal to schools and hospitals in GBAO (Part of ECU 1,420,000)	190,355
05-Jun-96	EC-ECHO	Merlin/United Kingdom	Cash for emergency medical assistance to Tajikistan - Khatlon Region (Part of ECU 1,420,000)	444,162
05-Jun-96	EC-ECHO	MSF/France	Cash for medical assistance to district hospitals in Tajikistan (Part of ECU 8,900,000)	193,992
05-Jun-96	EC-ECHO	PSF/France	Cash for medical assistance to district hospital in Tajikistan (Part of ECU 8,900,000)	923,645
01-Nov-96	EC-ECHO	PSF/France	Cash for assistance of the medical structures in the provinces of Khonoy and Iskachim (Part of ECU 95,000)	120,253
05-Jun-96	EC-ECHO	RC/Finland	Cash for feeding programme for the most socially vulnerable groups in Tajikistan (Part of ECU 8,900,000)	1,605,530
05-Jun-96	EC-ECHO	RC/Netherlands	Cash for medical assistance to district hospitals in Tajikistan (Part of ECU 8,900,000)	431,034
05-Jun-96	EC-ECHO	RC/Sweden	Cash for food aid to most vulnerable groups in Dushanbe (Part of ECU 8,900,000)	1,533,998
05-Jun-96	EC-ECHO	WFP	Cash for feeding programme for most socially vulnerable groups in Tajikistan (Part of ECU 8,900,000)	3,746,268
			Sub-Total	**14,782,368**
	TOTAL			**60,132,930**

Table III: 1997 Additional Humanitarian Assistance to Tajikistan

Outside of the Framework of the UN Consolidated Inter-Agency Appeal

As of 15 September 1997

Note that this table is comprehensive to the extent that decisions have been reported to DHA by Donors.

Decision Date	Donor	Channel	Description	Value US$
22-Jan-97	Austria	No channel specified	Cash for health and medical assistance for socially vulnerable in Duschanbe (typhoid epidemic)	8,264
06-Mar-97	China	No channel specified	Cash in response to the Appeal of International Community on Humanitarian Assistance to typhoid affected people of Tajikistan	35,000
08-Jul-97	Denmark	Mission Ost (Denmark)	Cash for food distribution programme in the province of Khatlon in southern Tajikistan (66.H.7-11)	936,650
23-Jun-97	Egypt	Bilateral	Cash for food aid	29,674
03-Jun-97	Finland	RC/Finland	Cash for humanitarian assistance	391,389
22-Jul-97	France	AVICEM	Cash for operation "Enfance, précarité, santé"	58,219
04-Apr-97	France	Bilateral	Cash for purchase and dispatch of 500,000 tabs of chloramphenicol and 10,000 tabs of ciproflaxine (typhoid epidemic); local distribution by PEF/France (069/FOR/OLB/JeT)	19,509
			Sub-Total	77,728
24-Feb-97	Germany	German Embassy in Dushanbe	Cash for hospital supplies in favour of internally displaced people in Dushanbe	30,488
19-Jun-97	Germany	RC/Germany	Cash for relief for people in need (AEHH 321.50 TAD 7/97)	58,824
			Sub-Total	89,312
10-May-97	Iran	No channel specified	Cash for humanitarian assistance to 500 families without breadwinners	480,000
26-Jun-97	Italy	WHO	Cash for a social & health programme to protect mothers and infants in Tajikistan, Usbekistan & Kazakstan	900,901
22-Jul-97	Luxembourg (M/A)	UNHCR	Cash for humanitarian assistance	143,678
17-Feb-97	Netherlands	ICRC	Cash (ICRC Emergency Appeal 1997)	1,001,001
28-Mar-97	Netherlands	PEF/Netherlands	Cash for supply and distribution of medicines in order to control a typhoid outbreak	155,289
09-Mar-97	Netherlands	RC/Netherlands	Cash for health and medical programme for 2,700,000 people/socially vulnerable	1,100,551
28-Mar-97	Netherlands	RC/Netherlands	Cash for medical relief assistance aiming to limit the spread of the typhoid infection	87,908
13-Mar-97	Netherlands	Relief International USA	Cash for programme of assistance on the sector of shelter and health	100,940
			Sub-Total	2,735,749
01-Aug-97	Norway	RC/Norway	Cash for IFRC - heating of schools and hospitals (K7372)	483,884
07-Jul-97	Russian Federation	No channel specified	In kind - 15 tons of medical preparation and medicines for the treatment against typhoid in Dushanbe	694,444
07-Jul-97	Russian Federation	No channel specified	In kind - 600 volumes of scientific transactions and 150 names of periodicals	0
			Sub-Total	694,444

Table III: 1997 Additional Humanitarian Assistance to Tajikistan

Outside of the Framework of the UN Consolidated Inter-Agency Appeal (continued)

As of 15 September 1997

Note that this table is comprehensive to the extent that decisions have been reported to DHA by Donors. *page 2 of 2*

Decision Date	Donor	Channel	Description	Value US$
01-Aug-97	Sweden	ICRC	Cash for support to the activities of ICRC in 1997 (Part of SEK 212,500,000) [96-97/ELF/11345 (SEKA-1997-0010)]	1,173,483
01-Aug-97	Sweden	RC/Sweden	Cash for support to the activities of the Swedish RC in 1997 (Part of SEK 46,500,000) [96-97/ELF/11371 (SEKA-1997-0110)]	782,369
			Sub-Total	**1,955,672**
24-Mar-97	United Kingdom	Aga Khan Foundation	Cash to support programme of procurement and distribution of 5,500 MTs of wheat flour for vulnerable groups in Gorno Badakhstan	1,419,355
03-Mar-97	United Kingdom	RC/United Kingdom	Cash for protection, dissemination, health, relief and cooperation activities	322,581
03-Mar-97	United Kingdom	RC/United Kingdom	Cash to address collapse of water supply system infrastructure and related spread of water bourne diseases	211,318
			Sub-Total	**2,953,254**
11-Mar-97	EC-ECHO	Caritas/Switzerland	Cash for partial rehabilitation of destroyed house, schools and medical facilities for returnees and children (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	339,885
11-Mar-97	EC-ECHO	ECHO Correspondent	Cash for monitoring and coordination of ECHO assistnce (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	137,931
14-Apr-97	EC-ECHO	IFRC	Cash for medical assistance to fight the typhoid epidemic (Part of ECU 900,000) [ECHO/TJK/B7-215/97/0200]	266,821
11-Mar-97	EC-ECHO	Merlin/United Kingdom	Cash for medical assistance for most vulnerable people through selected medical structures in Leninabad, Dushanbe, Khatlo and Garm (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	344,828
14-Apr-97	EC-ECHO	Merlin/United Kingdom	Cash for medical assistance to fight the typhoid epidemic (Part of ECU 900,000) [ECHO/TJK/B7-215/97/0200]	116,009
11-Mar-97	EC-ECHO	MSF/France	Cash for medical assistance for most vulnerable people through selected medical structures in Leninabad, Dushanbe, Khatlo and Garm (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	172,414
14-Apr-97	EC-ECHO	MSF/France	Cash for medical assistance to fight the typhoid epidemic (Part of ECU 900,000) [ECHO/TJK/B7-215/97/0200]	174,014
11-Mar-97	EC-ECHO	PSF/France	Cash for medical assistance for most vulnerable people through selected medical structures in Leninabad, Dushanbe, Garm, Khatlon and Gorno Badakhshan (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	747,126
14-Apr-97	EC-ECHO	PSF/France	Cash for medical assistance to fight the typhoid epidemic (Part of ECU 900,000) [ECHO/TJK/B7-215/97/0200]	487,239
11-Mar-97	EC-ECHO	RC/Finland	Cash for complementary food assistance for most vulnerable people in Gorno Badakhstan: wheat flour, vegetable oil and sugar (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	678,161
11-Mar-97	EC-ECHO	RC/Netherlands	Cash for medical assistance for most vulnerable people through selected medical structures in Leninabad, Dushanbe, Khatlo and Garm (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	459,770
11-Mar-97	EC-ECHO	RC/Sweden	Cash for complementary food assistance for most vulnerable people in Gorno Badakhstan: wheat flour, vegetable oil and sugar (Part of ECU 5,000,000) [ECHO/TJK/B7-215/97/0100]	678,161
			Sub-Total	**4,482,369**
TOTAL				**16,319,950**